

In subsection (a)(1), reference to “the Classification Act of 1949 (5 U.S.C. 1071 et seq.)” is omitted as unnecessary. In subsection (a)(3)(B), the word “his” is substituted for “his or her” on authority of 1 U.S.C. 1.

In subsection (b), the words “in service to America” are inserted after “volunteer” for clarity.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8143(a)(1) ...	42: 2716(c)(2)(B).	Nov. 8, 1966, Pub. L. 89-794, §109, 80 Stat. 1453.
8143(a)(3) ...	42: 2716(c)(2)(A).	Oct. 9, 1965, Pub. L. 89-253, § 6, 79 Stat. 973.
8143(b)	42: 2991(c)(b) (as applicable to 42: 2716(c)).	Nov. 8, 1966, Pub. L. 89-794, § 801 “Sec. 804(b) (as applicable to §106(c) of the Economic Opportunity Act of 1964)”, 80 Stat. 1474.

In subsection (a)(3), the words “in the Federal Employees’ Compensation Act” are omitted as unnecessary since that act is codified in that subchapter of title 5, United States Code, in which section 8143 is a part. The word “his” is substituted for “his or hers” on authority of 1 U.S.C. 1. The words “Job Corps” are substituted for “Corps” on authority of 42 U.S.C. 2712.

In subsection (b), the words “in service to America” are inserted after “volunteer” in two places for clarity. The words “subsection (a)(2) of this section” are substituted for “paragraph (2)(B) of section 106(c)” to reflect the codification of that paragraph in title 5. The words “at the minimum rate for GS-7” are substituted for “under the entrance salary for GS-7 of the General Schedule for section 5332, title 5, United States Code” to conform to the style of title 5.

Editorial Notes

REFERENCES IN TEXT

Part A of subchapter VIII of chapter 34 of title 42, referred to in subsec. (b), is part A of title VIII of Pub. L. 88-452, Aug. 20, 1964, 73 Stat. 508, known as the Economic Opportunity Act of 1964. Part A of title VIII of that Act, as added by Pub. L. 90-222, title I, §110, Dec. 23, 1967, 81 Stat. 722, was classified generally to part A (§2992 et seq.) of subchapter VIII of chapter 34 of Title 42, The Public Health and Welfare, prior to its repeal by Pub. L. 93-113, title VI, §603, Oct. 1, 1973, 87 Stat. 417. See sections 4951 et seq. and 5055 of Title 42.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-82 substituted “GS-5 of the General Schedule under section 5332 of title 5, United States Code” for “GS-7”.

1974—Pub. L. 93-416 struck out “, (b)” after “section 8113(a)”.

1968—Pub. L. 90-623 reenacted section in its entirety making minor changes in phraseology.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1993 AMENDMENT

Amendment by Pub. L. 103-82 effective Oct. 1, 1993, see section 392 of Pub. L. 103-82, set out as a note under section 4951 of Title 42, The Public Health and Welfare.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-416 applicable to case where injury or death occurred prior to Sept. 7, 1974, but only to a period beginning on or after Sept. 7, 1974, see section 28(a) of Pub. L. 93-416, set out as a note under section 8101 of this title.

EFFECTIVE DATE OF 1968 AMENDMENT

Amendment by Pub. L. 90-623 intended to restate without substantive change the law in effect on Oct. 22,

1968, see section 6 of Pub. L. 90-623, set out as a note under section 5334 of this title.

§ 8143a. Members of the National Teacher Corps

Subject to the provisions of this section, this subchapter applies to a member of the National Teacher Corps. In administering this subchapter for a member covered by this section—

(1) “performance of duty” does not include an act of a member while—

(A) on authorized leave; or

(B) absent from his assigned post of duty, except while participating in an activity authorized by or under the direction or supervision of the Commissioner of Education; and

(2) in computing compensation for disability or death, the monthly pay of a member is deemed his actual pay or that received at the minimum rate for GS-6, whichever is greater.

(Added Pub. L. 90-83, §1(66)(A), Sept. 11, 1967, 81 Stat. 212.)

HISTORICAL AND REVISION NOTES

<i>Section of title 5</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
8143a	20: 1105(b).	Nov. 8, 1965, Pub. L. 89-329, §15(b), 79 Stat. 1257.

The words “a member of the National Teacher Corps” are substituted for “such members” on authority of 20 U.S.C. 1102, 1105(a). In paragraph (1)(B), the words “Commissioner of Education” are substituted for “Commissioner” on authority of 20 U.S.C. 1141(f). In paragraph (2), the words “at the minimum rate for GS-6” are substituted for “under the entrance salary for grade 6,” and the reference to the General Schedule of the Classification Act of 1949 is omitted as unnecessary.

Statutory Notes and Related Subsidiaries

TRANSFER OF FUNCTIONS

Functions of Commissioner of Education of Department of Health, Education, and Welfare transferred to Secretary of Education by section 3441(a)(1) of Title 20, Education.

§ 8143b. Employees in fire protection activities

(a) DEFINITIONS.—In this section:

(1) EMPLOYEE IN FIRE PROTECTION ACTIVITIES.—The term “employee in fire protection activities” means an employee employed as a firefighter (including a wildland 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, or extinguishment of fires or response to emergency situations in which life, property, or the environment is at risk, including the prevention, control, suppression, or management of wildland fires; and

(D) performs the activities described in subparagraph (C) as a primary responsibility of the job of the employee.

(2) RULE.—The term “rule” has the meaning given the term in section 804.

(3) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(b) CERTAIN ILLNESSES AND DISEASES¹ 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 not less than 5 years in aggregate as an employee in fire protection activities, an illness or disease specified on the list established under paragraph (2) shall be deemed to be proximately caused by the employment of that employee, if the employee is diagnosed with that illness or disease not later than 10 years after the last active date² of employment as an employee in fire protection activities.

(2) ESTABLISHMENT OF INITIAL LIST.—There is established under this section the following list of illnesses and 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 suffered while, or not later than 24 hours after, engaging in the activities described in subsection (a)(1)(C).
- (O) Testicular cancer.
- (P) Thyroid cancer.

(3) ADDITIONS TO THE LIST.—

(A) IN GENERAL.—

(i) PERIODIC REVIEW.—The Secretary shall—

(I) in consultation with the Director of the National Institute for Occupational Safety and Health and any advisory committee determined appropriate by the Secretary, periodically review the list established under paragraph (2); and

(II) if the Secretary determines that the weight of the best available scientific evidence warrants adding an illness or disease to the list established under paragraph (2), as described in subparagraph (B) of this paragraph, make such an addition through a rule that clearly identifies that scientific evidence.

(ii) CLASSIFICATION.—A rule issued by the Secretary under clause (i) shall be considered to be a major rule for the purposes of chapter 8.

(B) BASIS FOR DETERMINATION.—The Secretary shall add an illness or disease to the list established under paragraph (2) based on the weight of the best available scientific

evidence that there is a significant risk to employees in fire protection activities of developing that illness or 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.

(Added Pub. L. 117-263, div. E, title LIII, § 5305(a)(1)(A), Dec. 23, 2022, 136 Stat. 3251.)

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Pub. L. 117-263, div. E, title LIII, § 5305(a)(1)(C), Dec. 23, 2022, 136 Stat. 3253, provided that: “The amendments made by this paragraph [enacting this section] shall apply to claims for compensation filed on or after the date of enactment of this Act [Dec. 23, 2022].”

RESEARCH COOPERATION

Pub. L. 117-263, div. E, title LIII, § 5305(a)(2), Dec. 23, 2022, 136 Stat. 3253, provided that: “Not later than 120 days after the date of enactment of this Act [Dec. 23, 2022], the Secretary of Labor (referred to in this subsection as the ‘Secretary’) shall establish a process by which an employee in fire protection activities, as defined in subsection (a) of section 8143b of title 5, United States Code, as added by paragraph (1) of this subsection (referred to in this subsection as an ‘employee in fire protection activities’) filing a claim under chapter 81 of title 5, United States Code, as amended by this subsection, relating to an illness or disease on the list established under subsection (b)(2) of such section 8143b (referred to in this subsection as ‘the list’ [sic]) as the list may be updated under such section 8143b, shall 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.”

AGENDA FOR FURTHER REVIEW

Pub. L. 117-263, div. E, title LIII, § 5305(a)(3), Dec. 23, 2022, 136 Stat. 3253, provided that: “Not later than 3 years after the date of enactment of this Act [Dec. 23, 2022], the Secretary [of Labor] shall—

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

“(B) add breast cancer, gynecological cancers, and rhabdomyolysis to the list, by rule in accordance with subsection (b)(3) of section 8143b of title 5, United States Code, as added by paragraph (1) of this subsection, if the Secretary determines that such evidence supports that addition; and

“(C) submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Education and Labor [now Committee on Education and the Workforce] of the House of Representatives a report containing—

“(i) the findings of the Secretary after making the evaluation required under subparagraph (A); and

“(ii) the determination of the Secretary under subparagraph (B).”

[“The list” as used in section 5305(a)(3) of Pub. L. 117-263, set out above, defined as in subsec. (b)(2) of this

¹ So in original. Probably should be “DISEASES”.

² So in original.

section, see section 5305(a)(2) of Pub. L. 117–263, set out as a note above.]

§ 8144. Student-employees

A student-employee as defined by section 5351 of this title who suffers disability or death as a result of personal injury arising out of and in the course of training, or incurred in the performance of duties in connection with that training, is considered for the purpose of this subchapter an employee who incurred the injury in the performance of duty.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 553.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 1053.	Aug. 4, 1947, ch. 452, § 4, 61 Stat. 727.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

§ 8145. Administration

The Secretary of Labor shall administer, and decide all questions arising under, this subchapter. He may—

- (1) appoint employees to administer this subchapter; and
- (2) delegate to any employee of the Department of Labor any of the powers conferred on him by this subchapter.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 553.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	5 U.S.C. 778.	Sept. 7, 1916, ch. 458, § 28, 39 Stat. 748. Oct. 14, 1949, ch. 691, § 205(a), (c)(1), 63 Stat. 864.
.....	[Uncodified].	1946 Reorg. Plan No. 2, § 3 (less 2d sentence), eff. July 16, 1946, 60 Stat. 1095.
.....	[Uncodified].	1950 Reorg. Plan No. 19, § 1, eff. May 24, 1950, 64 Stat. 1271.
.....	5 U.S.C. 781.	Sept. 7, 1916, ch. 458, § 30, 39 Stat. 748.
.....	5 U.S.C. 783 (last 9 words).	Sept. 7, 1916, ch. 458, § 32 (last 9 words), 39 Stat. 749.

The last 20 words of former section 781 are omitted as unnecessary in view of the definition of “competitive service” in section 2102 and the provisions of subchapter I of chapter 33 concerning examination and certification for and appointment in the competitive service.

Administration of this subchapter was transferred to the Secretary of Labor by section 1 of 1950 Reorg. Plan No. 19, 64 Stat. 1271.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

Statutory Notes and Related Subsidiaries

PROCESSING OF CLAIMS FILED BY DISTRICT OF COLUMBIA EMPLOYEES

See Pub. L. 93–198, title II, § 204(e), Dec. 24, 1973, 87 Stat. 783, set out as a note under section 8101 of this title.

§ 8146. Administration for the Panama Canal Commission and The Alaska Railroad

(a) The President, from time to time, may transfer the administration of this subchapter—

(1) so far as employees of the Panama Canal Commission are concerned to the Commission; and

(2) so far as employees of The Alaska Railroad are concerned to the general manager of The Alaska Railroad.

(b) When administration is transferred under subsection (a) of this section, the expenses incident to physical examinations which are payable under section 8123 of this title shall be paid from appropriations for the Panama Canal Commission or for The Alaska Railroad, as the case may be, instead of from the Employees’ Compensation Fund. The President may authorize the Panama Canal Commission and the general manager of The Alaska Railroad to pay the compensation provided by this subchapter, including medical, surgical, and hospital services and supplies under section 8103 of this title and the transportation and burial expenses under sections 8103 and 8134 of this title, from appropriations for the Panama Canal Commission and for The Alaska Railroad, and these appropriations shall be reimbursed for the payments by transfer of funds from the Employees’ Compensation Fund.

(c) The President may authorize the Panama Canal Commission to waive, at its discretion, the making of the claim required by section 8121 of this title in the case of compensation to an employee of the Panama Canal Commission for temporary disability, either total or partial.

(d) When administration is transferred under subsection (a) of this section to the general manager of The Alaska Railroad, the Secretary of Labor is not divested of jurisdiction and a claimant is entitled to appeal from the decision of the general manager of The Alaska Railroad to the Secretary of Labor. The Secretary on receipt of an appeal shall, or on his own motion may, review the decision of the general manager of The Alaska Railroad, and in accordance with the facts found on review may proceed under section 8128 of this title. The Secretary shall provide the form and manner of taking an appeal.

(e) The same right of appeal exists with respect to claims filed by employees of the Panama Canal Commission or their dependents in case of death, as is provided with respect to the claims of other employees to whom this subchapter applies, under section 8149 of this title. The Employees’ Compensation Appeals Board referred to by section 8149 of this title has jurisdiction, under regulations prescribed by the Secretary, over appeals relating to claims of the employees or their dependents.

(Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 553; Pub. L. 96–70, title III, § 3302(e)(9), Sept. 27, 1979, 93 Stat. 498.)