

109TH CONGRESS  
1ST SESSION

# H. R. 697

To amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2005

Mrs. JO ANN DAVIS of Virginia (for herself and Mrs. CAPPS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee's duty.

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

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the "Federal Firefighters  
5       Fairness Act of 2005".

1     **SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RE-**  
2                   **LATED CAUSE OF DISABILITY OR DEATH FOR**  
3                   **FEDERAL EMPLOYEES IN FIRE PROTECTION**  
4                   **ACTIVITIES.**

5         (a) IN GENERAL.—Section 8102 of title 5, United  
6 States Code, is amended by adding at the end the fol-  
7 lowing new subsection:

8             “(c)(1) With regard to an employee in fire protection  
9 activities, a disease specified in paragraph (2) shall be pre-  
10 sumed to be proximately caused by the employment of  
11 such employee. The disability or death of an employee in  
12 fire protection activities due to such a disease shall be pre-  
13 sumed to result from personal injury sustained while in  
14 the performance of such employee’s duty. Such presump-  
15 tions may be rebutted by a preponderance of the evidence.

16             “(2) The diseases specified in this paragraph are the  
17 following:

18                 “(A) Heart disease.

19                 “(B) Lung disease.

20                 “(C) The following cancers:

21                     “(i) Brain cancer.

22                     “(ii) Cancer of the blood or lymphatic sys-  
23                     tems.

24                     “(iii) Leukemia.

25                     “(iv) Lymphoma (except Hodgkin’s dis-  
26                     ease).

1               “(v) Multiple myeloma.

2               “(vi) Bladder cancer.

3               “(vii) Kidney cancer.

4               “(viii) Prostate cancer.

5               “(ix) Testicular cancer.

6               “(x) Cancer of the digestive system.

7               “(xi) Colon cancer.

8               “(xii) Liver cancer.

9               “(xiii) Skin cancer.

10               “(xiv) Breast cancer.

11               “(xv) Lung cancer.

12               “(D) The following infectious diseases:

13               “(i) Tuberculosis.

14               “(ii) Hepatitis A, B, or C.

15               “(iii) Human immunodeficiency virus

16               (HIV).

17               “(iv) Diphtheria.

18               “(v) Hemorrhagic fever.

19               “(vi) Meningococcal disease.

20               “(vii) Rabies.

21               “(viii) Any uncommon infectious disease

22               the contraction of which the Secretary of Labor

23               determines to be related to the hazards to

24               which an employee in fire protection activities

25               may be subject.

1       “(3) The term ‘employee in fire protection activities’  
2 means an employee, including a firefighter, paramedic,  
3 emergency medical technician, rescue worker, ambulance  
4 personnel, or hazardous materials worker, who—

5           “(A) is trained in fire suppression, has the legal  
6 authority and responsibility to engage in fire sup-  
7 pression; and

8           “(B) is engaged in the prevention, control, and  
9 extinguishment of fires or response to emergency sit-  
10 uations where life, property, or the environment is at  
11 risk.”.

12       (b) EFFECTIVE DATE.—The amendment made by  
13 this section applies to an injury that is first diagnosed,  
14 or a death that occurs, on or after the date of enactment  
15 of this Act.

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