

109TH CONGRESS
1ST SESSION

S. 1221

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employee's duty.

IN THE SENATE OF THE UNITED STATES

JUNE 9, 2005

Mr. DAYTON (for himself and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of 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:

8 “(c)(1) In this subsection, the term ‘employee in fire
9 protection activities’ means an employee, including a fire-
10 fighter, paramedic, emergency medical technician, rescue
11 worker, ambulance personnel, or hazardous materials
12 worker, who—

13 “(A) is trained in fire suppression, has the legal
14 authority and responsibility to engage in fire sup-
15 pression; and

16 “(B) is engaged in the prevention, control, and
17 extinguishment of fires or response to emergency sit-
18 uations where life, property, or the environment is at
19 risk.

“(2) In the case of an employee in fire protection activities who has a disease specified in paragraph (3), the employee’s disease shall be presumed to be proximately caused by the employment of such employee. A disability or death of an employee in fire protection activities due to such a disease shall be presumed to result from personal injury sustained while in the performance of such employ-

1 ee's duty. Such presumptions may be rebutted by a pre-
2 ponderance of the evidence.

3 "(3) The diseases specified in this paragraph are the
4 following:

5 "(A) Heart disease.

6 "(B) Lung disease.

7 "(C) The following cancers:

8 "(i) Brain cancer.

9 "(ii) Cancer of the blood or lymphatic sys-
10 tems.

11 "(iii) Leukemia.

12 "(iv) Lymphoma (except Hodgkin's dis-
13 ease).

14 "(v) Multiple myeloma.

15 "(vi) Bladder cancer.

16 "(vii) Kidney cancer.

17 "(viii) Prostate cancer.

18 "(ix) Testicular cancer.

19 "(x) Cancer of the digestive system.

20 "(xi) Colon cancer.

21 "(xii) Liver cancer.

22 "(xiii) Skin cancer.

23 "(xiv) Breast cancer.

24 "(xv) Lung cancer.

25 "(D) The following infectious diseases:

1 “(i) Tuberculosis.
2 “(ii) Hepatitis A, B, or C.
3 “(iii) Human immunodeficiency virus
4 (HIV).
5 “(iv) Diphtheria.
6 “(v) Hemorrhagic fever.
7 “(vi) Meningococcal disease.
8 “(vii) Rabies.
9 “(viii) Any uncommon infectious disease
10 the contraction of which the Secretary of Labor
11 determines to be related to the hazards to
12 which an employee in fire protection activities
13 may be subject.”.

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

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