

Calendar No. 1102

110TH CONGRESS
2D SESSION

S. 1924

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

AUGUST 1, 2007

Mr. CARPER (for himself, Mr. WARNER, Mr. MENENDEZ, Mr. KERRY, Ms. COLLINS, Mr. BROWN, Mr. SANDERS, Mrs. McCASKILL, Mr. ISAKSON, Ms. SNOWE, Mr. DODD, Mr. LIEBERMAN, Mr. DURBIN, Mr. WHITEHOUSE, Mr. BINGAMAN, Mr. KENNEDY, Mr. CASEY, Ms. LANDRIEU, Ms. CANTWELL, and Mrs. MURRAY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

OCTOBER 1 (legislative day, SEPTEMBER 17), 2008

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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 2007”.

6 **SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RE-**

7 **LATED CAUSE OF DISABILITY OR DEATH FOR**
8 **FEDERAL EMPLOYEES IN FIRE PROTECTION**
9 **ACTIVITIES.**

10 (a) **IN GENERAL.**—Section 8102 of title 5, United
11 States Code, is amended by adding at the end the fol-
12 lowing:

13 “(c)(1) In this subsection, the term ‘employee in fire
14 protection activities’ means an employee, including a fire-
15 fighter, paramedic, emergency medical technician, rescue
16 worker, ambulance personnel, or hazardous materials
17 worker, who—

18 “(A) is trained in fire suppression, has the legal
19 authority and responsibility to engage in fire sup-
20 pression; and

21 “(B) is engaged in the prevention, control, and
22 extinguishment of fires or response to emergency sit-
23 uations where life, property, or the environment is at
24 risk.

1 “(2) In the case of an employee in fire protection ac-
2 tivities who has a disease specified in paragraph (3), the
3 employee’s disease shall be presumed to be proximately
4 caused by the employment of such employee. A disability
5 or death of an employee in fire protection activities due
6 to such a disease shall be presumed to result from personal
7 injury sustained while in the performance of such employ-
8 ee’s duty. Such presumptions may be rebutted by a pre-
9 ponderance of the evidence.

10 “(3) The diseases specified in this paragraph are the
11 following:

12 “(A) Heart disease.

13 “(B) Lung disease.

14 “(C) The following cancers:

15 “(i) Brain cancer.

16 “(ii) Cancer of the blood or lymphatic sys-
17 tems.

18 “(iii) Leukemia.

19 “(iv) Lymphoma (except Hodgkin’s dis-
20 ease).

21 “(v) Multiple myeloma.

22 “(vi) Bladder cancer.

23 “(vii) Kidney cancer.

24 “(viii) Prostate cancer.

25 “(ix) Testicular cancer.

1 “(x) Cancer of the digestive system.

2 “(xi) Colon cancer.

3 “(xii) Liver cancer.

4 “(xiii) Skin cancer.

5 “(xiv) Breast cancer.

6 “(xv) Lung cancer.

7 “(D) The following infectious diseases:

8 “(i) Tuberculosis.

9 “(ii) Hepatitis A, B, or C.

10 “(iii) Human immunodeficiency virus
11 (HIV).

12 “(iv) Diphtheria.

13 “(v) Hemorrhagic fever.

14 “(vi) Meningococcal disease.

15 “(vii) Rabies.

16 “(viii) Any uncommon infectious disease
17 the contraction of which the Secretary of Labor
18 determines to be related to the hazards to
19 which an employee in fire protection activities
20 may be subject.”.

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

1 SECTION 1. SHORT TITLE .

2 *This Act may be cited as the “Federal Firefighters*
3 *Fairness Act of 2008”.*

4 SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED

8 (a) *DEFINITION.*—Section 8101 of title 5, United
9 States Code, is amended by adding at the end the following:

10 “(21) ‘employee in fire protection activities’
11 means a firefighter, paramedic, emergency medical
12 technician, rescue worker, ambulance personnel, or
13 hazardous material worker, who—

15 “(B) has the legal authority and responsi-
16 bility to engage in fire suppression;

17 “(C) is engaged in the prevention, control,
18 and extinguishment of fires or response to emer-
19 gency situations where life, property, or the envi-
20 ronment is at risk; and

21 “(D) performs such activities as a primary
22 responsibility of his or her job.”.

23 (b) PRESUMPTION RELATING TO EMPLOYEES IN FIRE
24 PROTECTION ACTIVITIES.—Section 8102 of title 5, United
25 States Code, is amended by adding at the end the following
26 new subsection:

1 “(c)(1) *With regard to an employee in fire protection*
2 *activities, a disease specified in paragraph (2) shall be pre-*
3 *sumed to be proximately caused by the employment of such*
4 *employee, subject to the length of service requirements speci-*
5 *fied. The disability or death of an employee in fire protec-*
6 *tion activities due to such a disease shall be presumed to*
7 *result from personal injury sustained while in the perform-*
8 *ance of such employee’s duty. Such presumptions may be*
9 *rebutted by a preponderance of the evidence.*

10 “(2) *The following diseases shall be presumed to be*
11 *proximately caused by the employment of the employee:*

12 “(A) *If the employee has been employed for a*
13 *minimum of 5 years:*

14 “(i) *Heart disease.*

15 “(ii) *Lung disease.*

16 “(iii) *The following cancers:*

17 “(I) *Brain cancer.*

18 “(II) *Cancer of the blood or lymphatic*
19 *systems.*

20 “(III) *Leukemia.*

21 “(IV) *Lymphoma (except Hodgkin’s*
22 *disease).*

23 “(V) *Multiple myeloma.*

24 “(VI) *Bladder cancer.*

25 “(VII) *Kidney cancer.*

1 “(VIII) *Testicular cancer.*

2 “(IX) *Cancer of the digestive system.*

3 “(X) *Colon cancer.*

4 “(XI) *Liver cancer.*

5 “(XII) *Skin cancer.*

6 “(XIII) *Lung cancer.*

7 “(iv) *Any other cancer the contraction of*
8 *which the Secretary of Labor determines to be re-*
9 *lated to the hazards to which an employee in fire*
10 *protection activities may be subject.*

11 “(B) *Regardless of the length of time an em-*
12 *ployee has been employed:*

13 “(i) *The following infectious diseases:*

14 “(I) *Tuberculosis.*

15 “(II) *Hepatitis A, B, or C.*

16 “(III) *Human immunodeficiency virus*
17 *(HIV).*

18 “(ii) *Any uncommon infectious disease the*
19 *contraction of which the Secretary of Labor de-*
20 *termines to be related to the hazards to which an*
21 *employee in fire protection activities may be sub-*
22 *ject.”.*

23 (c) *REPORT.—Not later than 10 years after the date*
24 *of enactment of this Act, the National Institute of Occupa-*
25 *tional Safety and Health in the Centers for Disease Control*

1 and Prevention shall examine the implementation of this
2 Act and appropriate scientific and medical data related to
3 the health risks associated with firefighting and submit to
4 Congress a report which shall include—

5 (1) an analysis of the injury claims made under
6 this Act;

7 (2) an analysis of the available research related
8 to the health risks associated with firefighting; and

9 (3) recommendations for any administrative or
10 legislative actions necessary to ensure that those dis-
11 eases most associated with firefighting are included in
12 the presumption created by this Act.

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

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