

112TH CONGRESS  
1ST SESSION

# H. R. 1066

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 14, 2011

Mrs. CAPPS (for herself and Mr. PLATTS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 2011”.

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) DEFINITION.—Section 8101 of title 5, United  
6 States Code, is amended by striking “and” at the end of  
7 paragraph (19), by striking the period at the end of para-  
8 graph (20) and inserting “; and”, and by adding at the  
9 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—

14 “(A) is trained in fire suppression;

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  
19 emergency situations where life, property, or  
20 the environment 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  
24 FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5,  
25 United States Code, is amended by adding at the end the  
26 following:

1           “(c)(1) With regard to an employee in fire protection  
2 activities, a disease specified in paragraph (3) shall be pre-  
3 sumed to be proximately caused by the employment of  
4 such employee, subject to the length of service require-  
5 ments specified. The disability or death of an employee  
6 in fire protection activities due to such a disease shall be  
7 presumed to result from personal injury sustained while  
8 in the performance of such employee’s duty. Such pre-  
9 sumptions may be rebutted by a preponderance of the evi-  
10 dence.

11           “(2) Such presumptions apply only if the employee  
12 in fire protection activities is diagnosed with the disease  
13 for which presumption is sought within 10 years of the  
14 last active date of employment as an employee in fire pro-  
15 tection activities.

16           “(3) The following diseases shall be presumed to be  
17 proximately caused by the employment of the employee in  
18 fire protection activities:

19                   “(A) If the employee has been employed for a  
20 minimum of 5 years in aggregate as an employee in  
21 fire protection activities:

22                           “(i) Heart disease.

23                           “(ii) Lung disease.

24                           “(iii) The following cancers:

25                                   “(I) Brain cancer.

1 “(II) Cancer of the blood or lymphatic  
2 systems.

3 “(III) Leukemia.

4 “(IV) Lymphoma (except Hodgkin’s  
5 disease).

6 “(V) Multiple myeloma.

7 “(VI) Bladder cancer.

8 “(VII) Kidney cancer.

9 “(VIII) Testicular cancer.

10 “(IX) Cancer of the digestive system.

11 “(X) Colon cancer.

12 “(XI) Liver cancer.

13 “(XII) Skin cancer.

14 “(XIII) Lung cancer.

15 “(iv) Any other cancer the contraction of  
16 which the Secretary of Labor through regula-  
17 tions determines to be related to the hazards to  
18 which an employee in fire protection activities  
19 may be subject.

20 “(B) Regardless of the length of time an em-  
21 ployee in fire protection activities has been em-  
22 ployed, any uncommon infectious disease, including  
23 but not limited to tuberculosis, hepatitis A, B, or C,  
24 the human immunodeficiency virus (HIV), and any  
25 other uncommon infectious disease the contraction

1 of which the Secretary of Labor through regulations  
2 determines to be related to the hazards to which an  
3 employee in fire protection activities may be sub-  
4 ject.”.

5 (c) REPORT.—Not later than 5 years after the date  
6 of enactment of this Act, the National Institute of Occupa-  
7 tional Safety and Health in the Centers for Disease Con-  
8 trol and Prevention shall examine the implementation of  
9 this Act and appropriate scientific and medical data re-  
10 lated to the health risks associated with firefighting and  
11 submit to Congress a report which shall include—

12 (1) an analysis of the injury claims made under  
13 this Act;

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

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

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

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