

113TH CONGRESS
2D SESSION

S. 2266

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

IN THE SENATE OF THE UNITED STATES

APRIL 29, 2014

Mr. CARPER (for himself and Ms. COLLINS) 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 establish a presumption that a disability or death of a Federal employee in fire protection activities caused by certain diseases is the result of the performance of the duties of the employee.

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 2014”.

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

5 (a) DEFINITION.—Section 8101 of title 5, United
6 States Code, is amended—

7 (1) in paragraph (18), by striking “and” at the
8 end;

9 (2) in paragraph (19), by striking “and” at the
10 end;

11 (3) in paragraph (20), by striking the period at
12 the end and inserting “and”; and

13 (4) by adding at the end the following:

14 “(21) ‘employee in fire protection activities’
15 means a firefighter, paramedic, emergency medical
16 technician, rescue worker, ambulance personnel, or
17 hazardous material worker, who—

18 “(A) is trained in fire suppression;

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

21 “(C) is engaged in the prevention, control,
22 and extinguishment of fires or response to
23 emergency situations where life, property, or
24 the environment is at risk; and

25 “(D) performs such activities as a primary
26 responsibility of the job of the individual.”.

1 (b) PRESUMPTION RELATING TO EMPLOYEES IN
2 FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5,
3 United States Code, is amended by adding at the end the
4 following:

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

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

20 “(3) The following diseases shall be presumed to be
21 proximately caused by the employment of the employee in
22 fire protection activities:

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

1 “(i) Heart disease.

2 “(ii) Lung disease.

3 “(iii) The following cancers:

4 “(I) Brain cancer.

5 “(II) Cancer of the blood or lymphatic
6 systems.

7 “(III) Leukemia.

8 “(IV) Lymphoma (except Hodgkin’s
9 disease).

10 “(V) Multiple myeloma.

11 “(VI) Bladder cancer.

12 “(VII) Kidney cancer.

13 “(VIII) Testicular cancer.

14 “(IX) Cancer of the digestive system.

15 “(X) Colon cancer.

16 “(XI) Liver cancer.

17 “(XII) Skin cancer.

18 “(XIII) Lung cancer.

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

24 “(B) Regardless of the length of time an em-
25 ployee in fire protection activities has been em-

1 ployed, any uncommon infectious disease, including
2 but not limited to tuberculosis, hepatitis A, B, or C,
3 the human immunodeficiency virus (HIV), and any
4 other uncommon infectious disease the contraction
5 of which the Secretary of Labor through regulations
6 determines to be related to the hazards to which an
7 employee in fire protection activities may be sub-
8 ject.”.

9 (c) REPORT.—Not later than 5 years after the date
10 of enactment of this Act, the National Institute of Occupa-
11 tional Safety and Health in the Centers for Disease Con-
12 trol and Prevention shall examine the implementation of
13 the amendments made by this Act and appropriate sci-
14 entific and medical data related to the health risks associ-
15 ated with firefighting and submit to Congress a report
16 that shall include—

17 (1) an analysis of the injury claims made pur-
18 suant to the amendments made by this Act;

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

21 (3) recommendations for any administrative or
22 legislative actions necessary to ensure that diseases
23 most associated with firefighting are included in the
24 presumption established under this Act.

1 (d) EFFECTIVE DATE.—The amendments made by
2 this Act shall apply to an injury that is first diagnosed
3 or a death that occurs, on or after the date of enactment
4 of this Act.

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