

116TH CONGRESS
1ST SESSION

S. 1942

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 the duty of the employee, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 24, 2019

Mr. CARPER (for himself, Ms. COLLINS, Mr. SCHATZ, Mr. KING, Mr. BROWN, Mr. COONS, Mr. BENNET, Ms. ROSEN, Mr. TESTER, and Ms. BALDWIN) 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 the duty of the employee, and for other purposes.

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 2019”.

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—

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 an employee—

16 “(A) serving as a firefighter, a paramedic,
 17 an emergency medical technician, a rescue
 18 worker, ambulance personnel, or a hazardous
 19 material worker; and

20 “(B) who—

21 “(i) is trained in fire suppression;

22 “(ii) has the legal authority and re-
 23 sponsibility to engage in fire suppression;

24 “(iii) is engaged in the prevention,
 25 control, and extinguishment of fires or re-
 26 sponse to emergency situations in which

1 life, property, or the environment is at
2 risk; and

3 “(iv) performs such activities as a pri-
4 mary responsibility of the duty of the em-
5 ployee.”.

6 (b) PRESUMPTION RELATING TO EMPLOYEES IN
7 FIRE PROTECTION ACTIVITIES.—Section 8102 of title 5,
8 United States Code, is amended by adding at the end the
9 following:

10 “(c)(1) Subject to paragraph (2), and any length of
11 service limitation under paragraph (3), with respect to an
12 employee in fire protection activities—

13 “(A) a disease described in paragraph (3) shall
14 be presumed to be proximately caused by the em-
15 ployment of the employee; and

16 “(B) the disability or death of the employee due
17 to a disease described in paragraph (3) shall be pre-
18 sumed to result from personal injury sustained while
19 in the performance of the duty of the employee.

20 “(2) With respect to any presumption described in
21 paragraph (1)—

22 “(A) the presumption shall apply with respect
23 to an employee in fire protection activities only if the
24 employee is diagnosed with the disease with respect
25 to which the presumption is sought not later than

1 10 years after the last day on which the employee
2 is an active employee in fire protection activities;
3 and

4 “(B) the presumption may be rebutted by a
5 preponderance of the evidence.

6 “(3) The following diseases shall be presumed to be
7 proximately caused by the employment of an employee in
8 fire protection activities:

9 “(A) If the employee has been employed for not
10 less than 5 years in the aggregate as an employee
11 in fire protection activities:

12 “(i) Heart disease.

13 “(ii) Lung disease.

14 “(iii) The following cancers:

15 “(I) Brain cancer.

16 “(II) Cancer of the blood or lymphatic
17 systems.

18 “(III) Leukemia.

19 “(IV) Lymphoma (except Hodgkin’s
20 disease).

21 “(V) Multiple myeloma.

22 “(VI) Bladder cancer.

23 “(VII) Kidney cancer.

24 “(VIII) Testicular cancer.

25 “(IX) Cancer of the digestive system.

1 “(X) Colon cancer.

2 “(XI) Liver cancer.

3 “(XII) Skin cancer.

4 “(XIII) Lung cancer.

5 “(XIV) Breast cancer.

6 “(iv) Any other cancer, the contraction of
7 which the Secretary of Labor, by rule, deter-
8 mines to be related to the hazards to which an
9 employee in fire protection activities may be
10 subject.

11 “(B) Without regard to the length of time that
12 an employee in fire protection activities has been
13 employed, any uncommon infectious disease, includ-
14 ing—

15 “(i) tuberculosis;

16 “(ii) hepatitis A, B, or C;

17 “(iii) the human immunodeficiency virus
18 (commonly known as ‘HIV’); and

19 “(iv) any other uncommon infectious dis-
20 ease, the contraction of which the Secretary of
21 Labor, by rule, determines to be related to the
22 hazards to which an employee in fire protection
23 activities may be subject.”.

1 (c) REPORT.—Not later than 5 years after the date
2 of enactment of this Act, the Director of the National In-
3 stitute for Occupational Safety and Health shall—

4 (1) examine the implementation of this Act, and
5 the amendments made by this Act, and appropriate
6 scientific and medical data relating to the health
7 risks associated with firefighting; and

8 (2) submit to Congress a report, which shall in-
9 clude—

10 (A) an analysis of the claims for com-
11 pensation made under the amendments made
12 by this Act;

13 (B) an analysis of the available research
14 relating to the health risks associated with fire-
15 fighting; and

16 (C) recommendations for any administra-
17 tive or legislative actions necessary to ensure
18 that those diseases most associated with fire-
19 fighting are included in the presumptions under
20 subsection (c) of section 8102 of title 5, United
21 States Code, as added by subsection (b) of this
22 section.

1 (d) APPLICATION.—The amendments made by this
2 section shall apply to a disability or death that occurs on
3 or after the date of enactment of this Act.

