

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.

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