To amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from the performance of such employee’s duty.

IN THE HOUSE OF REPRESENTATIVES

February 16, 2007

Mrs. CAPP (for herself and Mrs. JO ANN DAVIS of Virginia) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend title 5, United States Code, to create a presumption that disability of a Federal employee in fire protection activities caused by certain conditions is presumed to result from 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”.

VerDate Aug 31 2005 04:32 Feb 22, 2007 Jkt 059200 PO 00000 Frm 00001 Fmt 6652 Sfmt 6201 E:\BILLS\H1142.IH H1142jcorcoran on PROD1PC62 with BILLS
SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.

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

“(21) ‘employee in fire protection activities’ means an employee, including a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous materials worker, who—

“(A) is trained in fire suppression, has the legal authority and responsibility to engage in fire suppression; and

“(B) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.”.

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

“(c)(1) With regard to an employee in fire protection activities, a disease specified in paragraph (2) shall be presumed to be proximately caused by the employment of
such employee. The disability or death of an employee in fire protection activities due to such a disease shall be presumed to result from personal injury sustained while in the performance of such employee’s duty. Such presumptions may be rebutted by a preponderance of the evidence.

“(2) The diseases referred to in paragraph (1) are the following:

“(A) Heart disease.

“(B) Lung disease.

“(C) The following cancers:

“(i) Brain cancer.

“(ii) Cancer of the blood or lymphatic systems.

“(iii) Leukemia.

“(iv) Lymphoma (except Hodgkin’s disease).

“(v) Multiple myeloma.

“(vi) Bladder cancer.

“(vii) Kidney cancer.

“(viii) Prostate cancer.

“(ix) Testicular cancer.

“(x) Cancer of the digestive system.

“(xi) Colon cancer.

“(xii) Liver cancer.

“(xiii) Skin cancer.
“(xiv) Breast cancer.
“(xv) Lung cancer.
“(D) The following infectious diseases:
“(i) Tuberculosis.
“(ii) Hepatitis A, B, or C.
“(iii) Human immunodeficiency virus (HIV).
“(iv) Diphtheria.
“(v) Hemorrhagic fever.
“(vi) Meningococcal disease.
“(vii) Rabies.
“(E) Any uncommon infectious disease the contraction of which the Secretary of Labor determines to be related to the hazards to which an employee in fire protection activities may be subject.”.

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