

110TH CONGRESS  
1ST SESSION

# H. R. 1142

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2007

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

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## 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".

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 adding at the end the fol-  
7 lowing:

8 “(21) ‘employee in fire protection activities’  
9 means an employee, including a firefighter, para-  
10 medic, emergency medical technician, rescue worker,  
11 ambulance personnel, or hazardous materials work-  
12 er, who—

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

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

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

24 “(c)(1) With regard to an employee in fire protection  
25 activities, a disease specified in paragraph (2) shall be pre-  
26 sumed to be proximately caused by the employment of

1 such employee. The disability or death of an employee in  
2 fire protection activities due to such a disease shall be pre-  
3 sumed to result from personal injury sustained while in  
4 the performance of such employee's duty. Such presump-  
5 tions may be rebutted by a preponderance of the evidence.

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

8               “(A) Heart disease.

9               “(B) Lung disease.

10              “(C) The following cancers:

11                      “(i) Brain cancer.

12                      “(ii) Cancer of the blood or lymphatic sys-  
13 tems.

14                      “(iii) Leukemia.

15                      “(iv) Lymphoma (except Hodgkin's dis-  
16 ease).

17                      “(v) Multiple myeloma.

18                      “(vi) Bladder cancer.

19                      “(vii) Kidney cancer.

20                      “(viii) Prostate cancer.

21                      “(ix) Testicular cancer.

22                      “(x) Cancer of the digestive system.

23                      “(xi) Colon cancer.

24                      “(xii) Liver cancer.

25                      “(xiii) Skin cancer.

1                   “(xiv) Breast cancer.

2                   “(xv) Lung cancer.

3                   “(D) The following infectious diseases:

4                   “(i) Tuberculosis.

5                   “(ii) Hepatitis A, B, or C.

6                   “(iii) Human immunodeficiency virus

7                   (HIV).

8                   “(iv) Diphtheria.

9                   “(v) Hemorrhagic fever.

10                  “(vi) Meningococcal disease.

11                  “(vii) Rabies.

12                  “(E) Any uncommon infectious disease the con-  
13 traction of which the Secretary of Labor determines  
14 to be related to the hazards to which an employee  
15 in fire protection activities may be subject.”.

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

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