

116TH CONGRESS
1ST SESSION

H. R. 1174

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 such employee's duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 13, 2019

Mr. CARBAJAL (for himself, Mr. BACON, Ms. STEFANIK, and Mr. TAKANO) introduced the following bill; which was referred to the Committee on Education and Labor

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 such employee's duty, 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) by striking “and” at the end of paragraph
8 (19);

9 (2) by striking the period at the end of para-
10 graph (20) and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(21) ‘employee in fire protection activi-
13 ties’ means a firefighter, paramedic, emergency
14 medical technician, rescue worker, ambulance
15 personnel, or hazardous material worker, who—

16 “(A) is trained in fire suppression;

17 “(B) has the legal authority and re-
18 sponsibility to engage in fire suppression;

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

24 “(D) performs such activities as a pri-
25 mary responsibility of his or her job.”.

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

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

11 (c) REPORT.—Not later than 5 years after the date
12 of enactment of this Act, the National Institute of Occupa-
13 tional Safety and Health in the Centers for Disease Con-
14 trol and Prevention shall examine the implementation of
15 this Act and appropriate scientific and medical data re-
16 lated to the health risks associated with firefighting and
17 submit to Congress a report which shall include—

18 (1) an analysis of the injury claims made under
19 this Act;

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

22 (3) recommendations for any administrative or
23 legislative actions necessary to ensure that those dis-
24 eases most associated with firefighting are included
25 in the presumption created by this Act.

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

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