

117TH CONGRESS  
1ST SESSION

# S. 1116

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 employees duty, and for other purposes.

---

## IN THE SENATE OF THE UNITED STATES

APRIL 14, 2021

Mr. CARPER (for himself, Ms. COLLINS, Mrs. FEINSTEIN, Mr. KING, and Mr. VAN HOLLEN) 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 such employees 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 2021”.

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 from the employing agency.

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) Bladder cancer.

8 “(IV) Kidney cancer.

9 “(V) Testicular cancer.

10 “(VI) Cancer of the digestive system.

11 “(VII) Skin cancer.

12 “(VIII) Cancer of the respiratory sys-  
13 tem.

14 “(IX) Breast cancer.

15 “(iv) Any other cancer the contraction of  
16 which the Secretary of Labor through regula-  
17 tions determines to be related to the hazards to  
18 which an employee in fire protection activities  
19 may be subject.

20 “(B) Regardless of the length of time an em-  
21 ployee in fire protection activities has been em-  
22 ployed, any communicable disease that has been de-  
23 termined to be a pandemic by the World Health Or-  
24 ganization or the United States Centers for Disease  
25 Control and Prevention, or any chronic infectious

1 disease, the contraction of which the Secretary of  
2 Labor through regulations determines to be related  
3 to the hazards to which an employee in fire protec-  
4 tion activities may be subject.”.

5 (c) APPLICATION.—The amendments made by this  
6 section shall apply to a covered disability or death that  
7 occurs on or after the date of the enactment of this Act.

○