

**AMENDMENT**  
**TO RULES COMMITTEE PRINT 116-57**  
**OFFERED BY MR. CARBAJAL OF CALIFORNIA**

At the end of subtitle E of title XVII, insert the following:

1 **SEC. \_\_\_\_ . 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;

1           “(C) is engaged in the prevention,  
2           control, and extinguishment of fires or re-  
3           sponse to emergency situations where life,  
4           property, or the environment is at risk;  
5           and

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

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

12          “(c)(1) With regard to an employee in fire protection  
13          activities, a disease specified in paragraph (3) shall be pre-  
14          sumed to be proximately caused by the employment of  
15          such employee, subject to the length of service require-  
16          ments specified. The disability or death of an employee  
17          in fire protection activities due to such a disease shall be  
18          presumed to result from personal injury sustained while  
19          in the performance of such employee’s duty. Such pre-  
20          sumptions may be rebutted by a preponderance of the evi-  
21          dence.

22          “(2) Such presumptions apply only if the employee  
23          in fire protection activities is diagnosed with the disease  
24          for which presumption is sought within 10 years of the

1 last active date of employment as an employee in fire pro-  
2 tection activities.

3 “(3) The following diseases shall be presumed to be  
4 proximately caused by the employment of the employee in  
5 fire protection activities:

6 “(A) If the employee has been employed for a  
7 minimum of 5 years in aggregate as an employee in  
8 fire protection activities:

9 “(i) Heart disease.

10 “(ii) Lung disease.

11 “(iii) The following cancers:

12 “(I) Brain cancer.

13 “(II) Cancer of the blood or lymphatic  
14 systems.

15 “(III) Leukemia.

16 “(IV) Lymphoma (except Hodgkin’s  
17 disease).

18 “(V) Multiple myeloma.

19 “(VI) Bladder cancer.

20 “(VII) Kidney cancer.

21 “(VIII) Testicular cancer.

22 “(IX) Cancer of the digestive system.

23 “(X) Colon cancer.

24 “(XI) Liver cancer.

25 “(XII) Skin cancer.

1 “(XIII) Lung cancer.

2 “(XIV) Breast cancer.

3 “(iv) Any other cancer the contraction of  
4 which the Secretary of Labor through regula-  
5 tions determines to be related to the hazards to  
6 which an employee in fire protection activities  
7 may be subject.

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

18 (c) REPORT.—Not later than 5 years after the date  
19 of enactment of this Act, the National Institute of Occupa-  
20 tional Safety and Health in the Centers for Disease Con-  
21 trol and Prevention shall examine the implementation of  
22 this Act and appropriate scientific and medical data re-  
23 lated to the health risks associated with firefighting and  
24 submit to Congress a report which shall include—

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

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

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

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

