

**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MRS. CAPPS OF CALIFORNIA**

Page 407, after line 15, add the following:

1 **SEC. 1115. 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 striking “and” at the end of
7 paragraph (19), by striking the period at the end of para-
8 graph (20) and inserting “; and”, and by adding at the
9 end the following:

10 “(21) ‘employee in fire protection activities’
11 means a firefighter, paramedic, emergency medical
12 technician, rescue worker, ambulance personnel, or
13 hazardous material worker, who—

14 “(A) is trained in fire suppression;

15 “(B) has the legal authority and responsi-
16 bility to engage in fire suppression;

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

1 “(D) performs such activities as a primary
2 responsibility of his or her job.”.

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

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

17 “(2) Such presumptions apply only if the employee
18 in fire protection activities is diagnosed with the disease
19 for which presumption is sought within 10 years of the
20 last active date of employment as an employee in fire pro-
21 tection activities.

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

- 1 “(A) If the employee has been employed for a
2 minimum of 5 years in the aggregate as an employee
3 in fire protection activities:
- 4 “(i) Heart disease.
- 5 “(ii) Lung disease.
- 6 “(iii) The following cancers:
- 7 “(I) Brain cancer.
- 8 “(II) Cancer of the blood or lymphatic
9 systems.
- 10 “(III) Leukemia.
- 11 “(IV) Lymphoma (except Hodgkin’s
12 disease).
- 13 “(V) Multiple myeloma.
- 14 “(VI) Bladder cancer.
- 15 “(VII) Kidney cancer.
- 16 “(VIII) Testicular cancer.
- 17 “(IX) Cancer of the digestive system.
- 18 “(X) Colon cancer.
- 19 “(XI) Liver cancer.
- 20 “(XII) Skin cancer.
- 21 “(XIII) Lung cancer.
- 22 “(iv) Any other cancer the contraction of
23 which the Secretary of Labor through regula-
24 tions determines to be related to the hazards to

1 which an employee in fire protection activities
2 may be subject.

3 “(B) Regardless of the length of time an em-
4 ployee in fire protection activities has been em-
5 ployed, any uncommon infectious disease, including
6 tuberculosis, hepatitis A, B, or C, and the human
7 immunodeficiency virus (HIV), the contraction of
8 which the Secretary of Labor through regulations
9 determines to be related to the hazards to which an
10 employee in fire protection activities may be sub-
11 ject.”.

12 (e) REPORT.—Not later than 5 years after the date
13 of the enactment of this Act, the National Institute of Oc-
14 cupational Safety and Health in the Centers for Disease
15 Control and Prevention shall examine the implementation
16 of the amendment made by this section and appropriate
17 scientific and medical data related to the health risks asso-
18 ciated with firefighting, and submit to Congress a report
19 which shall include—

20 (1) an analysis of the injury claims made pur-
21 suant to the amendment made by this section;

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

24 (3) recommendations for any administrative or
25 legislative actions necessary to ensure that those dis-

1 eases most associated with firefighting are included
2 in the presumption created by the amendment made
3 by this section.

4 (d) EFFECTIVE DATE.—The amendment made by
5 this section applies to an injury that is first diagnosed,
6 or a death that occurs, on or after the date of the enact-
7 ment of this Act.

