

116TH CONGRESS
2D SESSION

S. 3910

To establish a presumption that certain firefighters who are Federal employees and have COVID–19 contracted that disease while in the performance of their official duties, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2020

Mr. MANCHIN (for himself and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a presumption that certain firefighters who are Federal employees and have COVID–19 contracted that disease while in the performance of their official duties, 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 “COVID–19 as a Pre-
5 sumptive Disease in Wildland Firefighters Act”.

6 **SEC. 2. COVID–19 AND FEDERAL FIREFIGHTERS.**

7 (a) **DEFINITIONS.**—In this section:

1 (1) FIRE SEASON.—The term “fire season”
2 means the period beginning on May 15, 2020, and
3 ending on November 15, 2020.

4 (2) FIREFIGHTER.—The term “firefighter”
5 means an employee, as that term is defined in sec-
6 tion 8101 of title 5, United States Code, who—

7 (A) possesses a certification that qualifies
8 the individual to work on a wildland fire inci-
9 dent (commonly known as an “Incident Quali-
10 fication Card”); and

11 (B)(i) occupies a position that identifies
12 wildland firefighting as a primary job duty; or

13 (ii) has been deployed to a wildland fire in-
14 cident, as documented in—

15 (I) a resource order; or

16 (II) the Interagency Resource Order-
17 ing Capability system administered by the
18 Secretary of Agriculture or the Secretary
19 of the Interior.

20 (3) SECRETARY.—The term “Secretary” means
21 the Secretary of Labor, acting through the Director
22 of the Office of Workers’ Compensation Programs of
23 the Department of Labor.

24 (4) WILDLAND FIRE INCIDENT.—The term
25 “wildland fire incident” means a wildfire that—

1 (A) occurs during the fire season; and

2 (B) is—

3 (i) tracked in the Integrated Report-
4 ing of Wildland-Fire Information service;

5 or

6 (ii) assigned a unique fire code by a
7 geographic area coordination center.

8 (b) PRE-WORK TESTING.—

9 (1) IN GENERAL.—Consistent with paragraph
10 (2), the Secretary of the Interior and the Secretary
11 of Agriculture shall ensure that each firefighter who
12 is employed by the applicable agency—

13 (A) is tested for—

14 (i) COVID–19; or

15 (ii) symptoms of COVID–19; or

16 (B) self-quarantines for not less than 14
17 days and is determined to not have symptoms
18 of COVID–19 through the use of a COVID–19
19 screening tool developed by the Secretary of the
20 Interior and the Secretary of Agriculture.

21 (2) TIMING OF ACTION.—The Secretary of the
22 Interior and the Secretary of Agriculture shall take
23 the applicable action required under paragraph
24 (1)—

1 (A) with respect to a firefighter described
2 in subsection (a)(2)(B)(i)—

3 (i) before the beginning of the fire
4 season; or

5 (ii) before the firefighter performs any
6 work as a firefighter during the fire sea-
7 son; and

8 (B) with respect to a firefighter described
9 in subsection (a)(2)(B)(ii), before the firefighter
10 performs any work as a firefighter during a
11 wildland fire incident.

12 (c) COMPENSATION FOR WORK INJURIES.—

13 (1) IN GENERAL.—For the purposes of sections
14 8103 and 8124 of title 5, United States Code, a fire-
15 fighter described in paragraph (2) is deemed to have
16 been injured while in the performance of the duty of
17 the firefighter.

18 (2) ELIGIBILITY.—

19 (A) IN GENERAL.—A firefighter is de-
20 scribed in this paragraph if—

21 (i)(I) the firefighter records at a
22 wildland fire incident, duty station, or
23 medical facility—

1 (aa) a fever of not less than
2 100.5 degrees Fahrenheit, as meas-
3 ured with a thermometer; and

4 (bb) a blood-oxygen saturation
5 level of less than 94 percent, as meas-
6 ured with a pulse oximeter;

7 (II) a qualified physician issues a
8 written opinion that the firefighter likely
9 has COVID–19; or

10 (III) the firefighter has a positive
11 COVID–19 test result; and

12 (ii) the qualifying event with respect to the
13 firefighter under clause (i) occurs—

14 (I) with respect to a firefighter de-
15 scribed in subsection (a)(2)(B)(i), during
16 the period beginning on the date on which
17 the fire season begins and ending on the
18 date that is 28 days after the date on
19 which the fire season ends; and

20 (II) with respect to a firefighter de-
21 scribed in subsection (a)(2)(B)(ii), during
22 the period beginning on the date on which
23 the firefighter is deployed to the applicable
24 wildland fire incident and ending on the

1 date that is 28 days after the date on
2 which that deployment ends.

3 (B) RESEARCH.—The Secretary of the In-
4 terior and the Secretary of Agriculture, in con-
5 sultation with the Secretary, may—

6 (i) research COVID–19 detection
7 methods; and

8 (ii) modify the list of symptoms de-
9 scribed in subparagraph (A)(i)(I) if any
10 findings made while conducting research
11 performed under clause (i) of this subpara-
12 graph warrant such a modification.

13 (3) CLASSIFICATION OF INJURY.—With respect
14 to a firefighter to whom the presumption under
15 paragraph (1) applies, the injury suffered by the
16 firefighter shall be considered to result from
17 COVID–19.

18 (4) PERIOD OF DISABILITY.—The period of dis-
19 ability with respect to a firefighter to whom the pre-
20 sumption under paragraph (1) applies shall be deter-
21 mined in accordance with subchapter I of chapter 81
22 of title 5, United States Code, and the rules issued
23 under that subchapter.

24 (d) CLAIMS.—The Secretary may waive or modify the
25 requirements under any of paragraphs (1) through (6) of

1 section 8121 of title 5, United States Code, with respect
2 to a firefighter to whom the presumption under subsection
3 (c)(1) applies if the Secretary determines that such waiver
4 or modification is necessary or appropriate in carrying out
5 this section.

6 (e) AUTHORIZATION OF PROCEDURES.—The Sec-
7 retary shall expedite, to the maximum extent practicable,
8 authorization for the furnishing of medical procedures and
9 for bill processing relating to treatment of COVID–19 for
10 a firefighter to whom the presumption under subsection
11 (c)(1) applies.

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