

111TH CONGRESS
2D SESSION

H. R. 4992

To require employers of first responders to pay for certain judgments against, and other costs incurred by, those first responders that arise out of their conduct in the course of official duty.

IN THE HOUSE OF REPRESENTATIVES

APRIL 13, 2010

Mr. WAMP introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To require employers of first responders to pay for certain judgments against, and other costs incurred by, those first responders that arise out of their conduct in the course of official duty.

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 “First Responders Pro-
5 tection Act of 2010”.

6 **SEC. 2. FINDINGS AND DECLARATION OF PURPOSE.**

7 Congress finds the following:

1 (1) First responders are brave and selfless indi-
2 viduals who put their lives in danger and make split-
3 second decisions everyday for the public good. They
4 are not only vital in emergency situations in their
5 local communities, but they play a crucial role in the
6 aftermath of terrorist attacks and natural disasters,
7 which have regional and economic consequences. For
8 their service, our government must provide them
9 with the necessary resources and respond to matters
10 affecting their well-being and ability to carry-out
11 their responsibilities. It is essential that agencies or
12 departments assure their first responders that the
13 agencies and departments will stand with them in
14 good faith regarding unintentional outcomes result-
15 ing from the performance of those first responders'
16 duties to protect and serve.

17 (2) While a Federal, State, or local government
18 employing the first responders may adhere to an es-
19 tablished resolution process to address claims of dep-
20 rivation of individual rights, the first responders
21 may be personally sued in their individual capacity
22 for general damages. This means that, even though
23 the first responders acted within the scope of their
24 training and employment, they cannot obtain assist-

1 ance for legal fees or financial judgments from their
2 employer.

3 (3) Without assistance from the employer, the
4 individual first responders and their families are
5 subject to potential financial risks. If this matter is
6 not addressed, it could affect their morale and well-
7 being and, in turn, can hinder their ability to per-
8 form their responsibilities to the level required in
9 emergency situations.

10 **SEC. 3. INDEMNIFICATION OF FIRST RESPONDERS.**

11 (a) IN GENERAL.—Each employer of a first re-
12 sponder shall pay for any liability (including litigation
13 costs related a claim of such liability) of that first re-
14 sponder arising from conduct in the course of official duty,
15 unless the first responder intended to engage in the con-
16 duct or cause the result that is the basis of the liability.

17 (b) DEFINITIONS.—In this section—

18 (1) the term “first responder” means an em-
19 ployee of a public safety agency who is a law en-
20 forcement officer, a firefighter, or an emergency
21 medical services provider;

22 (2) the term “law enforcement officer” has the
23 same meaning given such term in section 1204(6) of
24 the Omnibus Crime Control and Safe Streets Act of
25 1968 (42 U.S.C. 3796b(6));

1 (3) the term “firefighter” has the same mean-
2 ing given the term “employee in fire protection ac-
3 tivities” defined in section 3 of the Fair Labor
4 Standards Act (29 U.S.C. 203(y)); and

5 (4) the term “emergency medical services pro-
6 vider” means individual who provides out-of-hospital
7 emergency medical care, including an emergency
8 medical technician, paramedic, or first responder.

9 **SEC. 4. SAVINGS CLAUSE.**

10 Nothing in this Act affects any State or local law that
11 provides a comparable or greater amount of payment of
12 the liability of first responders.

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