

113TH CONGRESS
1ST SESSION

S. 1628

To provide Federal death and disability benefits for contractors who serve as firefighters of the Forest Service, Department of the Interior agencies, or any State or local entity.

IN THE SENATE OF THE UNITED STATES

OCTOBER 31, 2013

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide Federal death and disability benefits for contractors who serve as firefighters of the Forest Service, Department of the Interior agencies, or any State or local entity.

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 “Fallen Wildland Fire-
5 fighters Fair Compensation Act of 2013”.

1 **SEC. 2. DEATH AND DISABILITY BENEFITS FOR CON-**
2 **TRACTED FIREFIGHTERS OF THE FOREST**
3 **SERVICE, DEPARTMENT OF THE INTERIOR**
4 **AGENCIES, OR ANY STATE OR LOCAL ENTITY.**

5 (a) FINDINGS.—Congress finds the following:

6 (1) Aerial and ground crew firefighters used to
7 fight wildfires often work on a contract basis with
8 a State, local, or Federal agency and, as a result,
9 are not eligible for death or disability benefits should
10 they be killed or injured in the line of duty.

11 (2) Employer death benefits and life insurance
12 for exclusive-use firefighters are expensive, and the
13 families of these heroes have to cope not only with
14 the loss of a loved one, but also the additional finan-
15 cial loss of a wage earner.

16 (3) It is vital that Congress continue to encour-
17 age the recruitment and retention of brave, skilled
18 firefighters.

19 (b) ELIGIBILITY FOR DEATH AND DISABILITY BENE-
20 FITS.—Section 308 of the Federal Land Policy and Man-
21 agement Act of 1976 (43 U.S.C. 1738) is amended by
22 adding at the end the following:

23 “(c) ELIGIBILITY OF CONTRACTED FIREFIGHTERS
24 FOR DEATH AND DISABILITY BENEFITS.—

25 “(1) ELIGIBILITY.—An individual shall be eligi-
26 ble for a death or disability benefit under section

1 1201 of the Omnibus Crime Control and Safe
2 Streets Act of 1968 (42 U.S.C. 3796) if such indi-
3 vidual—

4 “(A) serves a public agency specified in
5 paragraph (2) as a contractor or subcontractor
6 of such a public agency, in an official capacity,
7 with or without compensation;

8 “(B) performs under an exclusive use, call
9 when needed, or equipment rental agreement
10 contract with the public agency; and

11 “(C) directly performs fire suppression ac-
12 tivities as a member of an aerial or ground-
13 based firefighting crew or equipment operator
14 in the direct fire suppression, or en route to or
15 return from such direct fire suppression activ-
16 ity.

17 “(2) COVERED PUBLIC AGENCIES.—Subsection
18 (a) applies with respect to the Forest Service, any
19 agency of the Department of the Interior, and any
20 State and local firefighting entity.

21 “(3) APPLICABILITY.—This subsection shall
22 apply with respect to death or injuries occurring on
23 or after January 1, 1985. The amount of the benefit
24 paid shall be the eligible amount under section 1201
25 of the Omnibus Crime Control and Safe Streets Act

1 of 1968 (42 U.S.C. 3796) at the time of death or
 2 injury.”.

3 **SEC. 3. ELIGIBILITY OF FIREFIGHTERS FOR PUBLIC SAFE-**
 4 **TY OFFICER DEATH BENEFITS.**

5 (a) IN GENERAL.—Paragraph (9) of section 1204 of
 6 the Omnibus Crime Control and Safe Streets Act of 1968
 7 (42 U.S.C. 3796b) is amended—

8 (1) in subparagraph (C) by striking “or” at the
 9 end;

10 (2) in subparagraph (D) by striking the period
 11 at the end and inserting “; or”; and

12 (3) by adding at the end the following new sub-
 13 paragraph:

14 “(E) an individual performing under exclu-
 15 sive use, call when needed, or equipment rental
 16 agreement contract with the Forest Service, any
 17 agency of the Department of the Interior, or
 18 any State or local firefighting entity in direct
 19 performance of fire suppression activities as an
 20 aerial or ground-based member of a firefighting
 21 crew or equipment operator in the direct fire
 22 suppression, or en route to or return from such
 23 direct fire suppression activity.”.

24 (b) APPLICABILITY.—The amendments made by sub-
 25 section (a) shall apply with respect to death or injuries

1 occurring on or after January 1, 1985. The amount of
2 the benefit paid shall be the eligible amount under section
3 1201 of the Omnibus Crime Control and Safe Streets Act
4 of 1968 (42 U.S.C. 3796) at the time of death or injury.

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