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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.

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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

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# 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.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the ''Fallen Wildland Firefighters Fair Compensation Act of 2013''.

**SEC. 2. DEATH AND DISABILITY BENEFITS FOR CONTRACTED FIREFIGHTERS OF THE FOREST SERVICE, DEPARTMENT OF THE INTERIOR AGENCIES, OR ANY STATE OR LOCAL ENTITY.**

(a) FINDINGS.—Congress finds the following:

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

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

(3) It is vital that Congress continue to encourage the recruitment and retention of brave, skilled firefighters.

(b) ELIGIBILITY FOR DEATH AND DISABILITY BENEFITS.—Section 308 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1738) is amended by adding at the end the following:

"(c) ELIGIBILITY OF CONTRACTED FIREFIGHTERS FOR DEATH AND DISABILITY BENEFITS.—

"(1) ELIGIBILITY.—An individual shall be eligible for a death or disability benefit under section

1201 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796) if such individual—

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

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

"(C) directly performs fire suppression activities as a member of an aerial or ground-based firefighting crew or equipment operator in the direct fire suppression, or en route to or return from such direct fire suppression activity.

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

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

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

**SEC. 3. ELIGIBILITY OF FIREFIGHTERS FOR PUBLIC SAFETY OFFICER DEATH BENEFITS.**

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

(1) in subparagraph (C) by striking ''or'' at the end;

(2) in subparagraph (D) by striking the period at the end and inserting ''; or''; and

(3) by adding at the end the following new subparagraph:

''(E) an individual performing under exclusive use, call when needed, or equipment rental agreement contract with the Forest Service, any agency of the Department of the Interior, or any State or local firefighting entity in direct performance of fire suppression activities as an aerial or ground-based member of a firefighting crew or equipment operator in the direct fire suppression, or en route to or return from such direct fire suppression activity.''.

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply with respect to death or injuries

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

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