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

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

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.

Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID–19 as a Pres-
sumptive Disease in Wildland Firefighters Act”.

SEC. 2. COVID–19 AND FEDERAL FIREFIGHTERS.

(a) DEFINITIONS.—In this section:
(1) FIRE SEASON.—The term “fire season” means the period beginning on May 15, 2020, and ending on November 15, 2020.

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

(A) possesses a certification that qualifies the individual to work on a wildland fire incident (commonly known as an “Incident Qualification Card”); and

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

(ii) has been deployed to a wildland fire incident, as documented in—

(I) a resource order; or

(II) the Interagency Resource Ordering Capability system administered by the Secretary of Agriculture or the Secretary of the Interior.

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

(4) WILDLAND FIRE INCIDENT.—The term “wildland fire incident” means a wildfire that—
(A) occurs during the fire season; and

(B) is—

(i) tracked in the Integrated Reporting of Wildland-Fire Information service;
or

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

(b) PRE-WORK TESTING.—

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

(A) is tested for—

(i) COVID–19; or

(ii) symptoms of COVID–19; or

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

(2) TIMING OF ACTION.—The Secretary of the Interior and the Secretary of Agriculture shall take the applicable action required under paragraph (1)—
(A) with respect to a firefighter described in subsection (a)(2)(B)(i)—

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

(ii) before the firefighter performs any work as a firefighter during the fire season; and

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

(c) COMPENSATION FOR WORK INJURIES.—

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

(2) ELIGIBILITY.—

(A) IN GENERAL.—A firefighter is described in this paragraph if—

(i)(I) the firefighter records at a wildland fire incident, duty station, or medical facility—
(aa) a fever of not less than 100.5 degrees Fahrenheit, as measured with a thermometer; and

(bb) a blood-oxygen saturation level of less than 94 percent, as measured with a pulse oximeter;

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

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

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

(I) with respect to a firefighter described in subsection (a)(2)(B)(i), during the period beginning on the date on which the fire season begins and ending on the date that is 28 days after the date on which the fire season ends; and

(II) with respect to a firefighter described in subsection (a)(2)(B)(ii), during the period beginning on the date on which the firefighter is deployed to the applicable wildland fire incident and ending on the
date that is 28 days after the date on which that deployment ends.

(B) RESEARCH.—The Secretary of the Interior and the Secretary of Agriculture, in consultation with the Secretary, may—

(i) research COVID–19 detection methods; and

(ii) modify the list of symptoms described in subparagraph (A)(i)(I) if any findings made while conducting research performed under clause (i) of this subparagraph warrant such a modification.

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

(4) PERIOD OF DISABILITY.—The period of disability with respect to a firefighter to whom the presumption under paragraph (1) applies shall be determined in accordance with subchapter I of chapter 81 of title 5, United States Code, and the rules issued under that subchapter.

(d) CLAIMS.—The Secretary may waive or modify the requirements under any of paragraphs (1) through (6) of
section 8121 of title 5, United States Code, with respect to a firefighter to whom the presumption under subsection (c)(1) applies if the Secretary determines that such waiver or modification is necessary or appropriate in carrying out this section.

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