

119TH CONGRESS
2D SESSION

S. _____

To provide a lump sum death gratuity payment for Federal wildland
firefighters killed as a result of duty, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To provide a lump sum death gratuity payment for Federal
wildland firefighters killed as a result of duty, 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 “Honoring Fallen
5 Wildland Firefighters Act of 2026”.

1 **SEC. 2. DEATH GRATUITY FOR INJURIES INCURRED IN**
2 **CONNECTION WITH SERVICE AS A WILDLAND**
3 **FIREFIGHTER.**

4 (a) IN GENERAL.—Subchapter I of chapter 81 of title
5 5, United States Code, is amended by inserting after sec-
6 tion 8102a the following:

7 **“§ 8102b. Death gratuity for injuries incurred in con-**
8 **nection with service as a wildland fire-**
9 **fighter**

10 “(a) DEFINITIONS.—In this section:

11 “(1) COVERED WILDLAND FIREFIGHTER.—The
12 term ‘covered wildland firefighter’ means—

13 “(A) a wildland firefighter; and

14 “(B) an eligible contractor.

15 “(2) COVERED PUBLIC AGENCY.—The term
16 ‘covered public agency’ means—

17 “(A) the Forest Service;

18 “(B) any agency of the Department of the
19 Interior; and

20 “(C) any State or local firefighting entity.

21 “(3) ELIGIBLE CONTRACTOR.—The term ‘eligi-
22 ble contractor’ means an individual who—

23 “(A) serves a covered public agency as a
24 contractor or subcontractor of the covered pub-
25 lic agency in an official capacity, with or with-
26 out compensation;

1 “(B) performs under an exclusive use, call
2 when needed, or equipment rental agreement
3 contract with the covered public agency; and

4 “(C) directly performs fire suppression ac-
5 tivities as a member of an aerial or ground-
6 based firefighting crew or equipment operator
7 in the direct fire suppression, or en route to or
8 return from such direct fire suppression activ-
9 ity.

10 “(4) WILDLAND FIREFIGHTER.—The term
11 ‘wildland firefighter’ means a firefighter, as defined
12 in section 5332a—

13 “(A) who is employed by a covered public
14 agency; and

15 “(B) the duties of the position of whom
16 primarily relate to fires occurring in forests,
17 range lands, or other wildlands, as opposed to
18 structural fires.

19 “(b) DEATH GRATUITY AUTHORIZED.—

20 “(1) IN GENERAL.—The United States shall
21 pay a death gratuity equal to the amount described
22 in paragraph (2) to or for the survivor prescribed by
23 subsection (c) immediately upon receiving official no-
24 tification of the death of a covered wildland fire-

1 fighter who dies, or died, on or after January 1,
2 2026, of injuries incurred—

3 “(A) in connection with the service of the
4 covered wildland firefighter; and

5 “(B) in the line of duty.

6 “(2) AMOUNT.—The amount of the death gra-
7 tuity payable under paragraph (1) shall be equal to
8 the maximum amount of the death gratuity payable
9 under section 8102a(a).

10 “(c) ELIGIBLE SURVIVORS.—

11 “(1) IN GENERAL.—Subject to paragraph (6), a
12 death gratuity payable upon the death of a covered
13 wildland firefighter who is covered by subsection (b)
14 shall be paid to or for the living survivor highest on
15 the following list:

16 “(A) The surviving spouse of the covered
17 wildland firefighter.

18 “(B) The children of the covered wildland
19 firefighter, as prescribed by paragraph (2), in
20 equal shares.

21 “(C) If designated by the covered wildland
22 firefighter, any 1 or more of the following indi-
23 viduals:

“(i) The parents or persons in loco
parentis of the covered wildland firefighter,
as prescribed by paragraph (3).

4 “(ii) The brothers of the covered
5 wildland firefighter.

6 “(iii) The sisters of the covered
7 wildland firefighter.

8 “(D) The parents or persons in loco
9 parentis of the covered wildland firefighter, as
10 prescribed by paragraph (3), in equal shares.

11 “(E) The brothers and sisters of the cov-
12 ered wildland firefighter in equal shares.

13 “(2) CHILDREN.—Paragraph (1)(B) applies,
14 without regard to age or marital status, to—

15 “(A) legitimate children;

16 “(B) adopted children;

17 “(C) stepchildren who were a part of the
18 household of the decedent at the time of death;

19 “(D) illegitimate children of a female dece-
20 dent; and

21 “(E) illegitimate children of a male dece-
22 dent—

23 “(i) who have been acknowledged in
24 writing signed by the decedent;

1 “(ii) who have been judicially deter-
2 mined, before the death of the decedent, to
3 be children of the decedent;

4 “(iii) who have been otherwise proved,
5 by evidence satisfactory to the employing
6 agency, to be children of the decedent; or

7 “(iv) to whose support the decedent
8 had been judicially ordered to contribute.

9 “(3) PARENTS AND PERSONS IN LOCO
10 PARENTIS.—

11 “(A) IN GENERAL.—Subject to subpara-
12 graph (B), subparagraphs (C)(i) and (D) of
13 paragraph (1), so far as those subparagraphs
14 apply to parents and persons in loco parentis,
15 include fathers and mothers through adoption
16 and any individual who stood in loco parentis to
17 the decedent for a period of not less than 1
18 year at any time before the decedent became a
19 covered wildland firefighter.

20 “(B) REQUIREMENTS.—Only 1 father and
21 1 mother, or their counterparts in loco parentis,
22 may be recognized in any case, and preference
23 shall be given to those individuals who exercised
24 a parental relationship on the date, or most

1 nearly before the date, on which the decedent
2 became a covered wildland firefighter.

3 “(4) BROTHERS AND SISTERS.—Subparagraphs
4 (C)(ii), (C)(iii), and (E), so far as those subpara-
5 graphs apply to brothers and sisters, include broth-
6 ers and sisters of the half blood and those through
7 adoption.

8 “(5) ALTERNATE DESIGNATION.—

9 “(A) IN GENERAL.—A covered wildland
10 firefighter covered by this section may designate
11 another individual to receive an amount payable
12 under this section.

13 “(B) AMOUNT TO BE RECEIVED.—A des-
14 ignation under subparagraph (A) shall indicate
15 the percentage of the amount, to be specified
16 only in 10 percent increments, that the des-
17 ignated individual may receive.

18 “(C) PAYMENT OF BALANCE.—The bal-
19 ance of the amount of the death gratuity shall
20 be paid to or for the living survivors of the cov-
21 ered wildland firefighter concerned in accord-
22 ance with subparagraphs (A) through (E) of
23 paragraph (1).

24 “(6) DEATH PRIOR TO RECEIPT OF DEATH
25 GRATUITY.—If an individual entitled to all or a por-

1 tion of a death gratuity under paragraph (1) or (5)
2 dies before the individual receives the death gratuity,
3 the death gratuity shall be paid to the living survivor
4 next in the order prescribed by paragraph (1).

5 “(7) NOTICE TO SPOUSE.—If a covered
6 wildland firefighter covered by this section has a
7 spouse but designates an individual other than the
8 spouse to receive all or a portion of the amount pay-
9 able under this section, the head of the agency, or
10 other entity, in which that covered wildland fire-
11 fighter is employed shall provide notice of the des-
12 ignation to the spouse.

13 “(d) ADDITIONAL NATURE OF DEATH GRATUITY.—
14 Any death gratuity paid under this section shall be in ad-
15 dition to, and not in lieu of, any compensation payable
16 under section 8133.”.

17 (b) CLERICAL AMENDMENT.—The table of sections
18 for chapter 81 of title 5, United States Code, is amended
19 by inserting after the item relating to section 8102a the
20 following:

“8102b. Death gratuity for injuries incurred in connection with service as a
Federal wildland firefighter.”.