117th Congress
1st Session

H. R. _____

To waive limitations on overtime and premium pay for wildland firefighters, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LOFGREN introduced the following bill; which was referred to the Committee on __________________________

A BILL

To waive limitations on overtime and premium pay for wildland firefighters, 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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Wildland Firefighter
6 Fair Pay Act”.

(Original Signature of Member)
SEC. 2. WAIVER OF PREMIUM PAY LIMITATIONS FOR DEPARTMENT OF AGRICULTURE, DEPARTMENT OF THE INTERIOR, AND DEPARTMENT OF COMMERCE EMPLOYEES ENGAGED IN EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) DEFINITIONS.—In this section:

(1) COVERED EMPLOYEE.—The term “covered employee” means an employee of the Department of Agriculture, the Department of the Interior, or the Department of Commerce.

(2) COVERED SERVICES.—The term “covered services” means services performed by a covered employee that are determined by the Secretary concerned to be primarily relating to emergency wildland fire suppression activities.

(3) PREMIUM PAY.—The term “premium pay” means the premium pay paid under the provisions of law described in section 5547(a) of title 5, United States Code.

(4) SECRETARY CONCERNED.—The term “Secretary concerned” means—

(A) the Secretary of Agriculture, with respect to an employee of the Department of Agriculture;
(B) the Secretary of the Interior, with respect to an employee of the Department of the Interior; and

(C) the Secretary of Commerce, with respect to an employee of the Department of Commerce.

(b) Waiver of Premium Pay Period Limitation.—Any premium pay for covered services shall be disregarded in calculating the aggregate of the basic pay and premium pay for the applicable covered employee for purposes of a pay period limitation under section 5547(a) of title 5, United States Code, or under any other provision of law.

(c) Waiver of Annual Premium Pay Limitation.—Any premium pay for covered services shall be disregarded in calculating any annual limitation on the amount of overtime pay payable in a calendar year or fiscal year under section 5547(b) of title 5, United States Code.

(d) Pay Limitation.—A covered employee may not be paid premium pay if, or to the extent that, the aggregate amount of the basic pay and premium pay (including premium pay for covered services) of the covered employee for a calendar year would exceed the rate of basic pay payable for a position at level II of the Executive Schedule.
under section 5313 of title 5, United States Code, as in
 effect at the end of that calendar year.

(c) TREATMENT OF ADDITIONAL PREMIUM PAY.—

If the application of this section results in the payment
of additional premium pay to a covered employee of a type
that is normally creditable as basic pay for retirement or
any other purpose, that additional premium pay shall not
be—

(1) considered to be basic pay of the covered
employee for any purpose; or

(2) used in computing a lump-sum payment to
the covered employee for accumulated and accrued
annual leave under section 5551 or 5552 of title 5,
United States Code.

(f) OVERTIME RATES.—Section 5542(a)(5) of title 5,
United States Code, is amended by striking “the United
States Forest Service in”.

(g) EFFECTIVE DATE.—This section and the amend-
ment made by this section shall take effect as if enacted

SEC. 3. REPORTS ON OPPORTUNITIES AND COSTS OF AN
EXPANDED, YEAR-ROUND FIREFIGHTING
WORKFORCE.

Not later than 120 days after the date of enactment
of this Act, the Secretary of the Interior and the Secretary
of Agriculture shall each separately submit to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Agriculture, the Committee on Natural Resources, and the Committee on Oversight and Reform of the House of Representatives, a report on the resources, policies, personnel or structural changes, and other investments necessary to support an expanded full-time, year-round firefighting workforce, including—

(1) an assessment of the scope of resources and personnel required to meet the current and future needs of the wildland firefighting workforce of the relevant Department;

(2) how such an expanded workforce could increase suppression capacity and be utilized during periods of low wildfire activity in support of additional hazardous fuels reduction, including prescribed burns or managed wildfires, to reduce risks to vulnerable communities, critical infrastructure, and natural and cultural resources;

(3) an assessment of how the composition and funding for both the firefighting and non-firefighting workforce of the relevant Department has changed over time;
(4) a cost-benefit analysis regarding the use of prescribed or managed fire as compared to mechanical thinning, logging, and other forest management activities;

(5) how such an expanded workforce could support meeting additional agency objectives, resource management needs, and forest resilience; and

(6) an analysis, conducted in coordination with the Office of Personnel Management, of a possible new position classification series and pay system for Federal wildland firefighters that more accurately reflects the duties performed by such employees and that contains a list of policy changes necessary to implement such a new position classification series and pay system.