

118TH CONGRESS
1ST SESSION

H. R. 4831

To provide a special rate of basic pay for Federal wildland firefighters during fiscal years 2024 and 2025, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 24, 2023

Mr. LAMALFA introduced the following bill; which was referred to the Committee on Oversight and Accountability, and in addition to the Committees on Natural Resources, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a special rate of basic pay for Federal wildland firefighters during fiscal years 2024 and 2025, 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 “Fair Pay for Federal
5 Firefighters Act”.

1 **SEC. 2. INCREASE IN RATE OF BASIC PAY FOR FEDERAL**
2 **WILDLAND FIREFIGHTERS DURING FISCAL**
3 **YEARS 2024 AND 2025.**

4 (a) SPECIAL RATE OF BASIC PAY.—

5 (1) IN GENERAL.—Notwithstanding any other
6 provision of law, including section 5332 of title 5,
7 United States Code, during fiscal years 2024 and
8 2025, a wildland firefighter shall receive a special
9 rate of basic pay, at grades 1 through 15, as pro-
10 vided under paragraph (2). Such rate of pay shall—

11 (A) replace the otherwise applicable Gen-
12 eral Schedule basic rate of pay, and shall be
13 considered basic pay for all purposes including
14 computing locality-based comparability pay-
15 ments under section 5304 or 5304a of such
16 title;

17 (B) when expressed as an hourly, daily,
18 weekly, or biweekly rate, be computed from the
19 appropriate annual rate of basic pay provided
20 under paragraph (2) in accordance with section
21 5504(b) of such title;

22 (C) be adjusted at the time of any adjust-
23 ments to the rates of pay under the General
24 Schedule; and

25 (D) begin to apply in the first pay period
26 beginning on or after October 1, 2023.

1 (2) RATES OF PAY.—The special rate of basic
2 pay for a wildland firefighter shall be derived by in-
3 creasing the otherwise applicable General Schedule
4 rate of basic pay applicable to such wildland fire-
5 fighter by the following percentage amount, rounded
6 to the nearest whole dollar:

- 7 (A) GS–1, 42 percent.
- 8 (B) GS–2, 39 percent.
- 9 (C) GS–3, 36 percent.
- 10 (D) GS–4, 33 percent.
- 11 (E) GS–5, 30 percent.
- 12 (F) GS–6, 27 percent.
- 13 (G) GS–7, 24 percent.
- 14 (H) GS–8, 21 percent.
- 15 (I) GS–9, 18 percent.
- 16 (J) GS–10, 15 percent.
- 17 (K) GS–11, 12 percent.
- 18 (L) GS–12, 9 percent.
- 19 (M) GS–13, 6 percent.
- 20 (N) GS–14, 3 percent.
- 21 (O) GS–15, 1.5 percent.

22 (b) PREVAILING RATE EMPLOYEES.—For any pre-
23 vailing rate employee described in section 5342(a)(2)(A)
24 of title 5, United States Code, who is a wildland fire-
25 fighter, during fiscal year 2024 and 2025, the Secretary

1 of Agriculture or the Secretary of the Interior (as applica-
2 ble) shall increase the wage rates of such employees by
3 amounts that are generally consistent with the percentage
4 increases given to wildland firefighters in the General
5 Schedule under subsection (a). Such an increased wage
6 rate—

7 (1) shall begin to apply in the first pay period
8 beginning on or after October 1, 2023;

9 (2) shall be determined at the sole discretion of
10 the applicable Secretary, after consultation with the
11 other Secretary;

12 (3) shall be basic pay for the same purposes as
13 the wage rate otherwise established under section
14 5343 of such title; and

15 (4) may not cause an employee’s wage rate to
16 increase beyond a rate that would produce an
17 annualized rate in excess of the annual rate of pay
18 for level IV of the Executive Schedule under section
19 5315 of such title.

20 (c) RESCISSION.—The unobligated balance of
21 amounts available under each of sections 50221 through
22 50224 of Public Law 117–169 (commonly referred to as
23 the “Inflation Reduction Act”) are hereby permanently re-
24 scinded.

1 (d) WILDLAND FIREFIGHTER DEFINED.—In this
2 section, the term “wildland firefighter” means a fire-
3 fighter—

4 (1) who is employed by the Forest Service or
5 the Department of the Interior; and

6 (2) the duties of the position of whom primarily
7 relate to fires occurring in forests, range lands, or
8 other wildlands, as opposed to structural fires.

9 **SEC. 3. WILDLAND FIRE INCIDENT RESPONSE PREMIUM**
10 **PAY.**

11 (a) IN GENERAL.—Subchapter V of chapter 55 of
12 title 5, United States Code, is amended by inserting after
13 section 5545b the following:

14 **“§ 5545c. Incident response premium pay for employ-**
15 **ees engaged in wildland firefighting**

16 “(a) DEFINITIONS.—In this section—

17 “(1) the term ‘appropriate committees of Con-
18 gress’ means—

19 “(A) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;

21 “(B) the Committee on Energy and Nat-
22 ural Resources of the Senate;

23 “(C) the Committee on Agriculture, Nutri-
24 tion, and Forestry of the Senate;

1 “(D) the Committee on Appropriations of
2 the Senate;

3 “(E) the Committee on Oversight and Ac-
4 countability of the House of Representatives;

5 “(F) the Committee on Agriculture of the
6 House of Representatives;

7 “(G) the Committee on Natural Resources
8 of the House of Representatives; and

9 “(H) the Committee on Appropriations of
10 the House of Representatives;

11 “(2) the term ‘covered employee’ means an em-
12 ployee of the Forest Service or the Department of
13 the Interior who is—

14 “(A) a wildland firefighter; or

15 “(B) certified by the applicable agency to
16 perform wildland fire incident-related duties
17 during the period that employee is deployed to
18 respond to a qualifying incident;

19 “(3) the term ‘incident response premium pay’
20 means pay to which a covered employee is entitled
21 under subsection (c);

22 “(4) the term ‘prescribed fire incident’ means a
23 wildland fire originating from a planned ignition in
24 accordance with applicable laws, policies, and regula-
25 tions to meet specific objectives;

1 “(5) the term ‘qualifying incident’—

2 “(A) means—

3 “(i) a wildfire incident, a prescribed
4 fire incident, or a severity incident; or

5 “(ii) an incident that the Secretary of
6 Agriculture or the Secretary of the Interior
7 determines is similar in nature to an inci-
8 dent described in clause (i); and

9 “(B) does not include an initial response
10 incident that is contained within 36 hours;

11 “(6) the term ‘severity incident’ means an inci-
12 dent in which a covered employee is pre-positioned
13 in an area in which conditions indicate there is a
14 high risk of wildfires; and

15 “(7) the term ‘wildland firefighter’ means a
16 firefighter—

17 “(A) who is employed by the Forest Serv-
18 ice or the Department of the Interior; and

19 “(B) the duties of the position of whom
20 primarily relate to fires occurring in forests,
21 range lands, or other wildlands, as opposed to
22 structural fires.

23 “(b) ELIGIBILITY.—A covered employee is eligible for
24 incident response premium pay under this section if—

1 “(1) the covered employee is deployed to re-
2 spond to a qualifying incident; and

3 “(2) the deployment described in paragraph (1)
4 is—

5 “(A) outside of the official duty station of
6 the covered employee; or

7 “(B) within the official duty station of the
8 covered employee and the covered employee is
9 assigned to an incident-adjacent fire camp or
10 other designated field location.

11 “(c) ENTITLEMENT TO INCIDENT RESPONSE PRE-
12 MIUM PAY.—

13 “(1) IN GENERAL.—A covered employee who
14 satisfies the conditions under subsection (b) is enti-
15 tled to premium pay for the period in which the cov-
16 ered employee is deployed to respond to the applica-
17 ble qualifying incident.

18 “(2) COMPUTATION.—

19 “(A) FORMULA.—Subject to subpara-
20 graphs (B) and (C), premium pay under para-
21 graph (1) shall be paid to a covered employee
22 at a daily rate of 450 percent of the hourly rate
23 of basic pay of the covered employee for each
24 day that the covered employee satisfies the re-

1 requirements under subsection (b), rounded to
2 the nearest whole cent.

3 “(B) LIMITATION.—Premium pay under
4 this subsection may not be paid—

5 “(i) with respect to a covered em-
6 ployee for whom the annual rate of basic
7 pay is greater than that for step 10 of level
8 10 of the General Schedule, at a daily rate
9 that exceeds the daily rate established
10 under subparagraph (A) for step 10 of
11 level 10 of the General Schedule; or

12 “(ii) to a covered employee in a total
13 amount that exceeds \$9,000 in any cal-
14 endar year.

15 “(C) WAIVER.—The Secretaries of Agri-
16 culture and Interior may implement a waiver on
17 the total limitation in subparagraph (B)(ii) if
18 the National Wildland Fire Preparedness Level
19 reaches or exceeds level three.

20 “(D) ADJUSTMENTS.—

21 “(i) ASSESSMENT.—The Secretary of
22 Agriculture and the Secretary of the Inte-
23 rior shall assess the difference between the
24 average total amount of compensation that

1 was paid to covered employees, by grade,
2 in fiscal years 2023 and 2024.

3 “(ii) REPORT.—Not later than 180
4 days after the date that is 1 year after the
5 effective date of this section, the Secretary
6 of Agriculture and the Secretary of the In-
7 terior shall jointly publish a report on the
8 results of the assessment conducted under
9 clause (i).

10 “(iii) ADMINISTRATIVE ACTIONS.—
11 After publishing the report required under
12 clause (ii), the Secretary of Agriculture
13 and the Secretary of the Interior, in con-
14 sultation with the Director of the Office of
15 Personnel Management, may, in the sole
16 and exclusive discretion of the Secretaries
17 acting jointly, administratively adjust the
18 amount of premium pay paid under this
19 subsection (or take other administrative
20 action) to ensure that the average annual
21 amount of total compensation paid to cov-
22 ered employees, by grade, is more con-
23 sistent with such amount that was paid to
24 those employees in fiscal year 2023.

1 “(iv) CONGRESSIONAL NOTIFICA-
2 TION.—Not later than 3 days after an ad-
3 justment made, or other administrative ac-
4 tion taken, under clause (iii) becomes final,
5 the Secretary of Agriculture and the Sec-
6 retary of the Interior shall jointly submit
7 to the appropriate committees of Congress
8 a notification regarding that adjustment or
9 other administrative action, as applicable.

10 “(d) TREATMENT OF INCIDENT RESPONSE PREMIUM
11 PAY.—Incident response premium pay under this sec-
12 tion—

13 “(1) is not considered part of the basic pay of
14 a covered employee for any purpose;

15 “(2) may not be considered in determining a
16 covered employee’s lump-sum payment for accumu-
17 lated and accrued annual leave under section 5551
18 or section 5552;

19 “(3) may not be used in determining pay under
20 section 8114 (relating to compensation for work in-
21 juries);

22 “(4) may not be considered in determining pay
23 for hours of paid leave or other paid time off during
24 which the premium pay is not payable; and

1 “(5) shall be disregarded in determining the
2 minimum wage and overtime pay to which a covered
3 employee is entitled under the Fair Labor Standards
4 Act of 1938 (29 U.S.C. 201 et seq.).”.

5 (b) **ADDITIONAL PREMIUM PAY AMENDMENTS.**—
6 Subchapter V of chapter 55 of title 5, United States Code,
7 is amended—

8 (1) in section 5544—

9 (A) by amending the section heading to
10 read as follows: “**Wage-board overtime,**
11 **Sunday rates, and other premium**
12 **pay**”; and

13 (B) by adding at the end the following:

14 “(d) A prevailing rate employee described in section
15 5342(a)(2)(A) shall receive incident response premium
16 pay under the same terms and conditions that apply to
17 a covered employee under section 5545c if that em-
18 ployee—

19 “(1) is employed by the Forest Service or the
20 Department of the Interior; and

21 “(2)(A) is a wildland firefighter (as that term
22 is defined in section 5545c); or

23 “(B) is certified by the applicable agency to
24 perform wildland fire incident-related duties during
25 the period the employee is deployed to respond to a

1 qualifying incident (as that term is defined in sec-
2 tion 5545c).”; and

3 (2) in section 5547(a), in the matter preceding
4 paragraph (1), by inserting “5545c,” after
5 “5545a,”.

6 (c) CLERICAL AMENDMENTS.—The table of sections
7 for subchapter V of chapter 55 of title 5, United States
8 Code, is amended—

9 (1) by amending the item relating to section
10 5544 to read as follows:

“5544. Wage-board overtime, Sunday rates, and other premium pay.”; and

11 (2) by inserting after the item relating to sec-
12 tion 5545b the following:

“5545c. Incident response premium pay for employees engaged in wildland fire-
fighting.”.

13 (d) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the first day of the first
15 applicable pay period beginning on or after October 1,
16 2023.

17 **SEC. 4. CONDITIONS IN FOREST MANAGEMENT.**

18 (a) MANDATORY USE OF EXISTING AUTHORITIES.—
19 Not later than 120 days after the date of enactment of
20 this Act, and annually after, with respect to each unit of
21 public lands and within each unit of covered National For-
22 est System lands, the Secretary concerned shall use not

1 fewer than 1 of the following streamlined authorities in-
2 cluding the authorities for environmental review:

3 (1) Section 603(a) of the Healthy Forests Res-
4 toration Act of 2003 (16 U.S.C. 6591b(a)).

5 (2) Section 605(a) of the Healthy Forests Res-
6 toration Act of 2003 (16 U.S.C. 6591d(a)).

7 (3) Section 606(b) of the Healthy Forests Res-
8 toration Act of 2003 (16 U.S.C. 6591e(b)).

9 (4) Section 40806(b) of the Infrastructure In-
10 vestment and Jobs Act (16 U.S.C. 6592b(b)).

11 (5) Section 40807 of the Infrastructure Invest-
12 ment and Jobs Act (16 U.S.C. 6592c).

13 (6) Section 207 of the Wildfire Suppression
14 Funding and Forest Management Activities Act (16
15 U.S.C. 6591e).

16 (b) COVERED NATIONAL FOREST SYSTEM LANDS
17 DEFINED.—In this section, the term “covered National
18 Forest System lands” means any area—

19 (1) located within National Forest System
20 lands;

21 (2) that the Forest Service has identified as
22 being located in a fireshed ranked in the top 25 per-
23 cent of wildfire exposure (as determined using the
24 most recently published models of fireshed risk expo-
25 sure published by the Forest Service); or

1 (3) that the U.S. Drought Monitor has rated as
2 having a D2 (severe drought) intensity, D3 (extreme
3 drought) intensity, or D4 (exceptional drought) in-
4 tensity.

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