

117TH CONGRESS
1ST SESSION

H. R. 4274

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 2021

Ms. LOFGREN (for herself, Mr. THOMPSON of California, Mr. HUFFMAN, Mr. PETERS, Mr. PANETTA, Mr. NEGUSE, and Ms. PORTER) introduced the following bill; which was referred to the Committee on Oversight and Reform, 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 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildland Firefighter
5 Fair Pay Act”.

1 **SEC. 2. WAIVER OF PREMIUM PAY LIMITATIONS FOR DE-**
2 **PARTMENT OF AGRICULTURE, DEPARTMENT**
3 **OF THE INTERIOR, AND DEPARTMENT OF**
4 **COMMERCE EMPLOYEES ENGAGED IN EMER-**
5 **GENCY WILDLAND FIRE SUPPRESSION AC-**
6 **TIVITIES.**

7 (a) DEFINITIONS.—In this section:

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

12 (2) COVERED SERVICES.—The term “covered
13 services” means services performed by a covered em-
14 ployee that are determined by the Secretary con-
15 cerned to be primarily relating to emergency
16 wildland fire suppression activities.

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

21 (4) SECRETARY CONCERNED.—The term “Sec-
22 retary concerned” means—

23 (A) the Secretary of Agriculture, with re-
24 spect to an employee of the Department of Ag-
25 riculture;

1 (B) the Secretary of the Interior, with re-
2 spect to an employee of the Department of the
3 Interior; and

4 (C) the Secretary of Commerce, with re-
5 spect to an employee of the Department of
6 Commerce.

7 (b) WAIVER OF PREMIUM PAY PERIOD LIMITA-
8 TION.—Any premium pay for covered services shall be dis-
9 regarded in calculating the aggregate of the basic pay and
10 premium pay for the applicable covered employee for pur-
11 poses of a pay period limitation under section 5547(a) of
12 title 5, United States Code, or under any other provision
13 of law.

14 (c) WAIVER OF ANNUAL PREMIUM PAY LIMITA-
15 TION.—Any premium pay for covered services shall be dis-
16 regarded in calculating any annual limitation on the
17 amount of overtime pay payable in a calendar year or fis-
18 cal year under section 5547(b) of title 5, United States
19 Code.

20 (d) PAY LIMITATION.—A covered employee may not
21 be paid premium pay if, or to the extent that, the aggre-
22 gate amount of the basic pay and premium pay (including
23 premium pay for covered services) of the covered employee
24 for a calendar year would exceed the rate of basic pay pay-
25 able for a position at level II of the Executive Schedule

1 under section 5313 of title 5, United States Code, as in
2 effect at the end of that calendar year.

3 (e) TREATMENT OF ADDITIONAL PREMIUM PAY.—

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

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

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

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

18 (g) EFFECTIVE DATE.—This section and the amend-
19 ment made by this section shall take effect as if enacted
20 on January 1, 2020.

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

24 Not later than 120 days after the date of enactment
25 of this Act, the Secretary of the Interior and the Secretary

1 of Agriculture shall each separately submit to the Com-
2 mittee on Agriculture, Nutrition, and Forestry and the
3 Committee on Homeland Security and Governmental Af-
4 fairs of the Senate and the Committee on Agriculture, the
5 Committee on Natural Resources, and the Committee on
6 Oversight and Reform of the House of Representatives,
7 a report on the resources, policies, personnel or structural
8 changes, and other investments necessary to support an
9 expanded full-time, year-round firefighting workforce, in-
10 cluding—

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

15 (2) how such an expanded workforce could in-
16 crease suppression capacity and be utilized during
17 periods of low wildfire activity in support of addi-
18 tional hazardous fuels reduction, including pre-
19 scribed burns or managed wildfires, to reduce risks
20 to vulnerable communities, critical infrastructure,
21 and natural and cultural resources;

22 (3) an assessment of how the composition and
23 funding for both the firefighting and non-firefighting
24 workforce of the relevant Department has changed
25 over time;

1 (4) a cost-benefit analysis regarding the use of
2 prescribed or managed fire as compared to mechan-
3 ical thinning, logging, and other forest management
4 activities;

5 (5) how such an expanded workforce could sup-
6 port meeting additional agency objectives, resource
7 management needs, and forest resilience; and

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

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