

DIRECT HIRE TO FIGHT FIRES

OCTOBER 22, 2024.—Ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3499]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3499) to amend title 5, United States Code, to provide direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in the Forest Service or the Department of the Interior, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Direct Hire To Fight Fires”.

SEC. 2. DIRECT HIRE AUTHORITY TO APPOINT INDIVIDUALS TO FEDERAL WILDLAND FIREFIGHTING AND FIREFIGHTING SUPPORT POSITIONS IN THE FOREST SERVICE OR THE DEPARTMENT OF THE INTERIOR.

(a) IN GENERAL.—Chapter 96 of title 5, United States Code, is amended by adding at the end the following:

“§ 9603. Direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in Forest Service and Department of the Interior

“(a) IN GENERAL.—The Secretary of Agriculture and the Secretary of the Interior may appoint, without regard to the provisions of sections 3309 through 3318 of title 5, United States Code, and part 211 and part 337 of subpart A of title 5, Code of Federal Regulations, qualified candidates to any position described in subsection (b) in the Forest Service or the Department of the Interior, respectively.

“(b) POSITIONS.—A position described in this subsection is any Federal wildland firefighting position, or any position in support of such firefighting position, within any of the following occupational series (or any successor series):

“(1) Forestry Technician Series, GS–0462.

“(2) Aircraft Operation Series, GS–2181.

“(3) Miscellaneous Administration and Program Series, GS–0301, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.

“(4) General Natural Resources Management and Biological Sciences Series, GS–0401, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.

“(5) Aviation Management Specialist Series, GS–2101.

“(6) Engineering Equipment Operator, WG, WL, or WS–5716, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.

“(7) Dispatching Series, GS–2151, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.

“(8) Equipment Specialist, GS–1670.

“(9) Any additional occupational series developed specifically for wildland firefighting.”.

(b) CLERICAL AMENDMENT.—The table of sections for such chapter is amended by adding after the item relating to section 9602 the following:

“9603. Direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in Forest Service and Department of the Interior.”.

SEC. 3. STREAMLINING AND TRANSPARENCY IN FEDERAL WILDLAND FIREFIGHTING HIRING AT THE FOREST SERVICE AND THE DEPARTMENT OF THE INTERIOR.

(a) STREAMLINED HIRING.—Not later than 1 year after the date of enactment of this Act, the Secretaries, in consultation with the Director of the Office of Personnel Management, shall implement policies to recruit and retain wildland firefighters that—

- (1) reduce the amount of time required to hire wildland firefighters and wildland firefighting support personnel;
- (2) address and eliminate redundancies in the Federal hiring process for wildland firefighters and wildland firefighting support personnel;
- (3) streamline the process for hiring wildland firefighters and wildland firefighting support personnel who were employed by the agencies in prior years; and
- (4) reduce barriers for wildland firefighters transferring between agencies.

(b) TRANSPARENCY.—

(1) IN GENERAL.—Beginning 1 year after the date of the enactment of this Act and annually thereafter, the Secretaries shall each submit a report to the relevant Congressional Committees that includes the information described in paragraph (2) no later than February 1st of each calendar year.

(2) REQUIREMENTS.—As part of the report submitted under paragraph (1), the Secretaries shall include information regarding—

- (A) the number of wildland firefighters and wildland firefighting support personnel the agency anticipates it will need for that calendar year, delineated by position;
- (B) the number of hiring events the agency is planning to hold that calendar year;
- (C) the number of wildland firefighters and wildland firefighting support personnel currently employed by the agency, delineated by position;
- (D) the number of wildland firefighting vacancies by State;
- (E) any barriers the agency is facing to meet the hiring goal outlined in subsection (a);
- (F) the implementation of the direct hiring authority provided in section 3 of this Act;
- (G) the implementation of the streamlined hiring policies developed under subsection (a); and
- (H) recommendations to Congress to further improve the recruitment and retention of wildland firefighters and wildland firefighting support personnel.

(3) PUBLIC AVAILABILITY.—The Secretaries shall each annually publish the report submitted under paragraph (1) on a publicly available website.

(4) DEFINITIONS.—In this section:

(A) AGENCY.—The term “agency” means—

- (i) the Forest Service, with respect to National Forest System lands; and
- (ii) the Department of the Interior, with respect to lands under the jurisdiction of the Secretary of the Interior.

(B) RELEVANT CONGRESSIONAL COMMITTEES.—The term “relevant Congressional Committees” means—

- (i) the Committees on Oversight and Accountability, Agriculture, and Natural Resources of the House of Representatives; and
- (ii) the Committees on Homeland Security and Governmental Affairs, Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate.

(C) SECRETARIES.—The term “Secretaries” means the Secretary of Agriculture and the Secretary of the Interior.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 3499 is to amend title 5, United States Code, to provide direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in the Forest Service or the Department of the Interior, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

Each year, wildfire suppression agencies, such as U.S. Forest Service (USFS) and the Department of the Interior (DOI), hire thousands of wildland firefighters. These firefighters battle the intensifying wildfires on federal lands primarily throughout late spring, summer, and early fall. Failing to adequately staff our wildland firefighting workforce has incredibly detrimental and cascading effects on effectively fighting wildland fires and the health and safety of wildland firefighters. The USFS aspired to hire 11,300 wildland firefighters for 2023. As of mid-May 2023, they had reached 82 percent of their goal with 9,319 firefighters. With the President’s budget proposals, the USFS would like to increase their capacity to 12,270 operational firefighters. Similarly, DOI planed to hire 5,800 federal and 500 Tribal wildland firefighting and support positions for the 2023 fire year. As of mid-May 2023, DOI has reached 71 percent of their goal with 4,140 federal DOI firefighters hired.

Due to the seasonal nature of the job, the agencies have to undergo intense recruiting and retention practices. Once a person decides to join the wildland firefighting workforce, the federal government application process can be burdensome, lengthy, and cumbersome. The federal employee hiring process often takes weeks to complete. To streamline the process, USFS and DOI have received limited, temporary direct hire authority (DHA) from the Office of Personnel Management (OPM) in past years. DHA is authority granted by OPM on a temporary basis to a federal agency when there is a critical need for hiring or a severe shortage of candidates exists. DHA expedites hiring by removing competitive rating and ranking, preferences for certain candidates, and requirements to consider the top three candidates. In fiscal year 2022, the use of the Fire DHA was on average 58 days to hire compared to non-use of Fire DHA at 96 days.

The “Direct Hire to Fight Fires Act” has two main sections. First, the bill would give the Secretary of Agriculture and the Secretary of the Interior permanent DHA to hire qualified candidates on an expedited basis. This would apply broadly to several roles that serve in firefighting or firefighting support personnel capacities. Second, the bill directs USFS and DOI to identify policies and propose changes to reduce the time and complexity of hiring wildland firefighters and support personnel. This section also requires the agencies to regularly report to Congress on the status of their wildland firefighting hiring efforts.

COMMITTEE ACTION

H.R. 3499 was introduced on May 18, 2023, by Rep. Darrell Issa (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Oversight and Accountability and Agriculture. On May 23, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On July 26, 2023, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. Rep. Westerman (R-AR) offered an amendment in the nature of a substitute designated Westerman ANS #1. The amendment offered by Rep. Westerman was adopted by voice vote. The bill, as amended, was then ordered favorably reported to the House of Representatives by a roll call vote of 32 to 0, as follows:

Committee on Natural Resources
U S House of Representatives
118th Congress

Date July 26, 2023

Roll Call# 5

Meeting on / Amendment on. On Favorably Reporting, as amended, H.R. 3499 (Rep. Issa), To amend title 5, United States Code, to provide direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in the Forest Service or the Department of the Interior, and for other purposes "Direct Hire To Fight Fires Act"

MEMBERS	Yea	Nay	Pres	MEMBERS	Yea	Nay	Pres
Mr. Westerman, AR, Chairman	X			Mr. Grijalva, AZ, Ranking	X		
Mr. Lamborn, CO				Ms. Napoutano, CA			
Mr. Wittman, VA	X			Mr. Sablan, CNMI			
Mr. McClintock, CA	X			Mr. Huffman, CA			
Mr. Gosar, AZ	X			Mr. Gallego, AZ			
Mr. Graves, LA				Mr. Neguse, CO	X		
Mrs. Radewagen, AS	X			Mr. Levin, CA	X		
Mr. LaMalfa, CA	X			Ms. Porter, CA	X		
Mr. Webster, FL	X			Ms. Leger Fernandez, NM	X		
Ms. González-Colón, PR				Ms. Stansbury, NM	X		
Mr. Fulcher, ID	X			Mrs. Pateola, AK	X		
Mr. Stauber, MN	X			Ms. Ocasio-Cortez, NY	X		
Mr. Curtis, UT				Mr. Mullin, CA	X		
Mr. Tiffany, WI				Ms. Hoyle, OR	X		
Mr. Calt, AL	X			Ms. Kammer-Dove, CA			
Mr. Rosendale, MT	X			Mr. Magaziner, RI	X		
Mrs. Boebert, CO	X			Ms. Velázquez, NY			
Mr. Bentz, OR	X			Mr. Case, HI			
Ms. Kiggans, VA	X			Mrs. Dingell, MI	X		
Mr. Moylan, Guam	X			Ms. Lee, NV	X		
Mr. Hunt, TX	X						
Mr. Collins, GA	X						
Ms. Luna, FL							
Mr. Duarte, CA	X						
Ms. Hageman, WY	X						
				TOTAL:	32	0	

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on May 23, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

- Names the bill the “Direct Hire To Fight Fires Act”.

Section 2. Direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in the Forest Service or the Department of the Interior

This section grants the Secretary of Agriculture and the Secretary of the Interior the authority to appoint candidates to positions within the Forest Service and the Department of the Interior, respectively, without being bound by certain provisions of federal employment regulations. These positions include various roles related to wildland firefighting and support for such firefighting efforts. The specified occupational series encompass positions such as Forestry Technicians, Aircraft Operations Specialists, administrative and program roles related to firefighting, General Natural Resources Management and Biological Sciences positions that support firefighting, Aviation Management Specialists, Engineering Equipment Operators, Dispatchers, Equipment Specialists, and any additional series created for wildland firefighting.

Section 3. Streamlining and transparency in federal wildland firefighting hiring at the Forest Service and the Department of the Interior

This section outlines several key provisions related to the recruitment and retention of wildland firefighters. Within one year enactment, the Secretaries of Agriculture and the Interior, in consultation with the Director of the Office of Personnel Management, are required to implement policies targeting following objectives:

- Reduce the time required to hire both wildland firefighters and wildland firefighting support personnel.
- Address and eliminate redundancies in the federal hiring process for these positions.
- Streamline the hiring process for individuals who have previously worked as wildland firefighters or support personnel within these agencies.
- Remove barriers that might hinder the transfer of wildland firefighters between agencies.

Additionally, the bill introduces transparency measures, including an annual report submitted to Congress by the Secretaries of Agriculture and Interior respectively. These reports are required to contain:

- Anticipated staffing needs for the upcoming calendar year, categorized by position.
- The number of hiring events planned for the calendar year.
- Current staffing levels, broken down by position.
- Vacancies for wildland firefighting positions by State.

- Any challenges the agencies face in meeting their hiring goals.
- Details on the implementation of direct hiring authority and streamlined hiring policies.
- Recommendations to Congress for further improving the recruitment and retention of wildland firefighters and support personnel.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* Pursuant to clause 3(c)(2) of House rule XIII and section 308(a) of the Congressional Budget Act of 1974, and pursuant to clause 3(c)(3) of House rule XIII and section 402 of the Congressional Budget Act of 1974, the Committee has requested but not received from the Director of the Congressional Budget Office a budgetary analysis and a cost estimate of this bill.

2. *General Performance Goals and Objectives.* As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to amend title 5, United States Code, to provide direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in the Forest Service or the Department of the Interior, and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

An estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act was not made available to the Committee in time for the filing of this report. The Chair of the Committee shall cause such estimate to be printed in the Congressional Record upon its receipt by the Committee, if such estimate is not publicly available on the Congressional Budget Office website.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the

most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italics and existing law in which no change is proposed is shown in roman):

TITLE 5, UNITED STATES CODE

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PART III—EMPLOYEES

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SUBPART I—MISCELLANEOUS

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CHAPTER 96—PERSONNEL FLEXIBILITIES RELATING TO LAND MANAGEMENT AGENCIES

Sec.

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9602. Competitive service; time-limited appointments.

9603. *Direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in Forest Service and Department of the Interior.*

* * * * *

§9603. Direct hire authority to appoint individuals to Federal wildland firefighting and firefighting support positions in Forest Service and Department of the Interior

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qualified candidates to any position described in subsection (b) in the Forest Service or the Department of the Interior, respectively.

(b) *POSITIONS.*—A position described in this subsection is any Federal wildland firefighting position, or any position in support of such firefighting position, within any of the following occupational series (or any successor series):

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- (4) *General Natural Resources Management and Biological Sciences Series, GS-0401, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.*
- (5) *Aviation Management Specialist Series, GS-2101.*
- (6) *Engineering Equipment Operator, WG, WL, or WS-5716, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.*
- (7) *Dispatching Series, GS-2151, that supports firefighting and is eligible for primary or secondary firefighter retirement coverage.*
- (8) *Equipment Specialist, GS-1670.*
- (9) *Any additional occupational series developed specifically for wildland firefighting.*

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