

117TH CONGRESS  
1ST SESSION

# H. R. 5631

To reform and enhance the pay and benefits of Federal wildland firefighters,  
and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 19, 2021

Mr. NEGUSE (for himself, Ms. CHENEY, Ms. PORTER, and Mr. CARBAJAL) 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

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## A BILL

To reform and enhance the pay and benefits of Federal  
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; DEFINITIONS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Tim Hart Wildland Firefighter Classification and Pay  
6 Parity Act” or “Tim’s Act”.

7 (b) DEFINITIONS.—In this Act:

1           (1) DIRECTOR.—The term “Director” means  
2 the Director of the Office of Personnel Management.

3           (2) FEDERAL WILDLAND FIREFIGHTER.—The  
4 term “Federal wildland firefighter” means any tem-  
5 porary, seasonal, or permanent position at the De-  
6 partment of Agriculture or the Department of the  
7 Interior that maintains group, emergency incident  
8 management, or fire qualifications, as established  
9 annually by the Standards for Wildland Fire Posi-  
10 tion Qualifications published by the National Wild-  
11 fire Coordinating Group, and primarily engages in  
12 or supports wildland fire management activities, in-  
13 cluding forestry and rangeland technicians and posi-  
14 tions concerning aviation, engineering heavy equip-  
15 ment operations, or fire and fuels management.

16           (3) SECRETARIES.—The term “Secretaries”  
17 means the Secretary of Agriculture and the Sec-  
18 retary of the Interior.

19 **SEC. 2. FEDERAL WILDLAND FIREFIGHTER OCCUPATIONAL**  
20 **SERIES, PAY, RECRUITMENT, AND RETEN-**  
21 **TION.**

22 (a) OCCUPATIONAL SERIES.—

23           (1) ESTABLISHMENT; DETERMINATION.—Not  
24 later than 1 year after the date of enactment of this  
25 Act—

1 (A) the Director of the Office of Personnel  
2 Management shall establish one or more classi-  
3 fication series (if one series, to be designated as  
4 the “Wildland Firefighter Series”) for Federal  
5 wildland firefighter positions; and

6 (B) the Secretaries shall determine each  
7 position within the Department of Agriculture  
8 and the Department of the Interior that quali-  
9 fies as a Federal wildland firefighter position.

10 (2) ELECTION.—Any individual employed as a  
11 Federal wildland firefighter in a covered 6C position  
12 (or any successor position) on the date on which any  
13 classification series established under paragraph (1)  
14 takes effect may elect—

15 (A) to remain in the occupational series in  
16 which the individual is classified on that date;  
17 or

18 (B) to be transferred to any occupational  
19 series established under paragraph (1).

20 (b) PAY.—

21 (1) IN GENERAL.—Not later than 1 year after  
22 the date of enactment of this Act, there is estab-  
23 lished a pay scale for Federal wildland firefighter  
24 positions within any classification series established  
25 under subsection (a). Under such scale, the min-

1       imum rate of basic pay for any position shall be not  
2       less than the rate of pay for step 3 of GS-6 of the  
3       General Schedule, as adjusted by the pay locality  
4       designated as “Rest of U.S.” under section 5304 of  
5       title 5, United States Code.

6               (2) ANNUAL ADJUSTMENTS.—Notwithstanding  
7       any other provision of law, beginning in the first pay  
8       period beginning on or after the date that the pay  
9       scale is established under paragraph (1) and annu-  
10      ally thereafter, the basic rate of pay for each Fed-  
11      eral wildland firefighter occupying a position within  
12      such pay scale shall be increased by not less than  
13      the percentage equal to the percent change in the  
14      Consumer Price Index (all items—United States city  
15      average), published monthly by the Bureau of Labor  
16      Statistics, for December of the preceding year over  
17      such Consumer Price Index for the December of the  
18      year prior to the preceding year, adjusted to the  
19      nearest one-tenth of 1 percent.

20              (3) COMPENSATION COMPARABLE TO NON-FED-  
21      ERAL FIREFIGHTERS.—Not later than 1 year after  
22      the date the pay scale is established under para-  
23      graph (1), the Secretaries shall submit a report to  
24      Congress on whether pay, benefits, and bonuses pro-  
25      vided to Federal wildland firefighters are comparable

1 to the pay, benefits, and bonuses provided for non-  
2 Federal firefighters in the State or locality where  
3 Federal wildland firefighters are based.

4 (4) HAZARDOUS DUTY PAY.—Each Federal  
5 wildland firefighter in any classification series estab-  
6 lished under subsection (a) carrying out work com-  
7 pleted during prescribed fire, parachuting, tree  
8 climbing over 20 feet, hazard tree removal, and  
9 other hazardous work as identified by the Secre-  
10 taries, shall be entitled to be paid the appropriate  
11 differential under section 5545(d) of title 5, United  
12 States Code, as if such employee was covered by  
13 such subsection. The Director may prescribe regula-  
14 tions to carry out this paragraph.

15 (c) WORK SCHEDULES.—

16 (1) IN GENERAL.—Consistent with the require-  
17 ments of this subsection, the Director shall establish  
18 guidelines for work schedules for positions within  
19 any classification series established under subsection  
20 (a) to better account for regular and overtime per  
21 workday, work performed when deployed on any re-  
22 source order, on-call duties, stand-by, travel to and  
23 from assignment, and regular days off.

24 (2) RESOURCE ORDER.—

1 (A) IN GENERAL.—When deployed on a re-  
2 source order under the Incident Resource Order  
3 Capability System (or any successor system), a  
4 Federal wildland firefighter shall be paid for  
5 the period beginning on the receipt of such  
6 order and ending when the employee returns  
7 from such deployment.

8 (B) WAGES.—A Federal wildland fire-  
9 fighter shall receive compensation for each hour  
10 of each 24-hour period of such deployment, to  
11 include hours paid at such firefighter’s hourly  
12 rate of basic pay and hours of such period paid  
13 at a rate equal to one and one-half times such  
14 hourly rate of which all is premium pay.

15 (d) OTHER MATTERS.—

16 (1) UNPAID LEAVE TO CARE FOR FAMILY MEM-  
17 BER.—A Federal wildland firefighter not covered by  
18 the Family and Medical Leave Act of 1993 or sub-  
19 chapter V of chapter 63 of title 5, United States  
20 Code, shall be allowed a period of unpaid leave, dur-  
21 ing each calendar year, not to exceed 180 days in  
22 order to care for the spouse, or a son, daughter, or  
23 parent, of the employee, if such spouse, son, daugh-  
24 ter, or parent has a serious health condition. Leave

1 provided under this paragraph shall not accumulate  
2 for use in subsequent years.

3 (2) RECRUITMENT AND RETENTION BONUS.—

4 In order to promote the recruitment and retention of  
5 Federal wildland firefighters, the Director, in coordi-  
6 nation with the Secretaries, shall establish a pro-  
7 gram under which a recruitment or retention bonus  
8 of not less than \$1,000 may be paid to a Federal  
9 wildland firefighter in an amount as determined ap-  
10 propriate by the Director and the Secretaries. The  
11 minimum amount of such bonus in the previous sen-  
12 tence shall be increased each year by the Consumer  
13 Price Index in the manner prescribed under sub-  
14 section (b)(2). Any bonus under this subsection—

15 (A) shall be paid to any primary or sec-  
16 ondary Federal wildland firefighter upon the  
17 date that such firefighter successfully completes  
18 a work capacity test; and

19 (B) may not be paid to any such fire-  
20 fighter more than once per calendar year.

21 (3) HOUSING ALLOWANCE.—The Secretaries  
22 shall provide a housing allowance to any Federal  
23 wildland firefighter deployed to a location more than  
24 50 miles from their primary residence. Such allow-  
25 ance shall be in an amount determined appropriate

1 by the Secretaries and adjusted based on the cost of  
2 housing in the area of deployment.

3 (4) CAREER TRANSITION.—

4 (A) IN GENERAL.—Not later than one year  
5 after the date of enactment of this Act, the Sec-  
6 retaries, shall establish, maintain, coordinate,  
7 and operate a voluntary tuition assistance pro-  
8 gram for Federal wildland firefighters occu-  
9 pying a permanent position that encompass a  
10 broad range of educational experiences (either  
11 in-person or through distance-learning), includ-  
12 ing academic skills development, vocational pro-  
13 grams, career and technical programs, and pro-  
14 grams leading to the award of undergraduate  
15 and graduate degrees.

16 (B) AMOUNT.—The program under sub-  
17 paragraph (A) shall provide, not more than  
18 once during each calendar year, a payment of  
19 not less than \$4,000 to each Federal wildland  
20 firefighter who elects to participate in the pro-  
21 gram.

22 (C) REVIEW.—The Secretaries shall con-  
23 duct an annual review of whether the amount  
24 provided under subparagraph (B) is adequate,  
25 in consideration of inflation and other effects.



1 **SEC. 3. HEALTH PROVISIONS.**

2 (a) DATABASE; RECOMMENDATIONS.—Not later than  
3 one year after the date of enactment of this Act, the Secre-  
4 taries shall—

5 (1) establish and maintain a publicly accessible,  
6 searchable database on a website, to be called the  
7 “Federal Wildland Firefighter Cancer and Cardio-  
8 vascular Disease Database”, to track chronic disease  
9 caused by on-the-job environmental exposure over  
10 the lifetimes of current and former Federal wildland  
11 firefighters;

12 (2) update such database not less than on a  
13 yearly basis; and

14 (3) develop and adhere to recommendations on  
15 mitigation strategies to minimize exposure to envi-  
16 ronmental hazards for Federal wildland firefighters.

17 (b) MENTAL HEALTH.—

18 (1) MENTAL HEALTH PROGRAM.—Not later  
19 than January 1, 2023, the Secretaries shall establish  
20 and carry out a program for Federal wildland fire-  
21 fighters for mental health awareness and support.  
22 Such program shall include—

23 (A) a mental health awareness campaign;

24 (B) a mental health education and training  
25 program that includes an on-boarding cur-  
26 riculum;

1           (C) an extensive peer-to-peer mental health  
2 support network for Federal wildland fire-  
3 fighters and their immediate family;

4           (D) expanding the Critical Incident Stress  
5 Management Program, developing and retaining  
6 a larger pool of qualified mental health profes-  
7 sionals who are familiar with the experiences of  
8 the wildland firefighting workforce, and moni-  
9 toring and tracking mental health in the profes-  
10 sion to better understand the scope of the issue  
11 and develop strategies to assist; and

12           (E) establish and carry out a new and dis-  
13 tinct mental health support service specific to  
14 Federal wildland firefighters and their imme-  
15 diate family, with culturally relevant and trau-  
16 ma informed mental health professionals who  
17 are readily available, and not subject to any  
18 limit on the number of sessions or service pro-  
19 vided.

20           (2) MENTAL HEALTH LEAVE.—Each Federal  
21 wildland firefighter shall be entitled to 7 consecutive  
22 days of leave, without loss or reduction in pay, dur-  
23 ing any calendar year. Leave provided under this  
24 paragraph shall not—

1 (A) accumulate for use in succeeding  
2 years; and

3 (B) be considered to be annual or vacation  
4 leave for purposes of section 5551 or 5552 of  
5 title 5, United States Code, or for any other  
6 purpose.

7 (c) COORDINATION.—In carrying out subsections (a)  
8 and (b), the Secretaries may enter into partnerships or  
9 cooperative agreements with other Federal agencies, uni-  
10 versities, or non-profit institutions.

11 (d) WORKERS' COMPENSATION PRESUMPTION RE-  
12 LATING TO FEDERAL WILDLAND FIREFIGHTERS.—

13 (1) IN GENERAL.—Section 8102 of title 5,  
14 United States Code, is amended by adding at the  
15 end the following:

16 “(c)(1) With regard to any employee who is a Federal  
17 wildland firefighter (as that term is defined in section 1(b)  
18 of the Tim Hart Wildland Firefighter Classification and  
19 Pay Parity Act), a disease specified in paragraph (3) shall  
20 be presumed to be proximately caused by the employment  
21 of such employee, subject to the length of service require-  
22 ments specified. The disability or death of such an em-  
23 ployee to such a disease shall be presumed to result from  
24 personal injury sustained while in the performance of such  
25 employee's duty. Such presumptions may be rebutted by

1 a preponderance of the evidence from the employing agen-  
2 cy.

3 “(2) Such presumptions apply only if the employee  
4 in fire protection activities is diagnosed with the disease  
5 for which presumption is sought within 10 years of the  
6 last active date of employment as an employee in fire pro-  
7 tection activities.

8 “(3) The following diseases shall be presumed to be  
9 proximately caused by the employment of the employee if  
10 the employee has been employed for a minimum of 5 years  
11 in aggregate as an employee in fire protection activities:

12 “(A) Heart disease.

13 “(B) Lung disease.

14 “(C) The following cancers:

15 “(i) Brain cancer.

16 “(ii) Cancer of the blood or lymphatic sys-  
17 tems.

18 “(iii) Bladder cancer.

19 “(iv) Kidney cancer.

20 “(v) Testicular cancer.

21 “(vi) Cancer of the digestive system.

22 “(vii) Skin cancer.

23 “(viii) Cancer of the respiratory system.

24 “(ix) Breast cancer.

1           “(D) Any other cancer the contraction of which  
2           the Secretary of Labor through regulations deter-  
3           mines to be related to the hazards to which an em-  
4           ployee may be subject.”.

5           (2) APPLICATION.—The amendments made by  
6           this section shall apply to a covered disability or  
7           death that occurs on or after the date of the enact-  
8           ment of this Act.

9   **SEC. 4. RETIREMENT FOR FIREFIGHTERS.**

10          (a) CONTINUATION OF FIREFIGHTERS PENSION COV-  
11          ERAGE IN CASE OF DISABILITY.—

12                  (1) FERS.—

13                          (A) IN GENERAL.—Section 8412(d) of title  
14                          5, United States Code, is amended—

15                                  (i) by redesignating paragraphs (1)  
16                                  and (2) as subparagraphs (A) and (B), re-  
17                                  spectively;

18                                  (ii) by inserting “(1)” before “An em-  
19                                  ployee”; and

20                                  (iii) by adding at the end the fol-  
21                                  lowing:

22                                  “(2)(A) The term ‘affected individual’ means an  
23                                  individual covered under this chapter who—

24    “(i) is performing service in a fire-  
25    fighter position;

1           “(ii) while on duty, becomes ill or is  
2 injured as a direct result of the perform-  
3 ance of such duties before the date on  
4 which the individual becomes entitled to an  
5 annuity under paragraph (1) of this sub-  
6 section or subsection (e), as applicable;

7           “(iii) because of the illness or injury  
8 described in clause (ii), is permanently un-  
9 able to render useful and efficient service  
10 in the employee’s firefighter position, as  
11 determined by the agency in which the in-  
12 dividual was serving when such individual  
13 incurred the illness or injury; and

14           “(iv) is appointed to a position in the  
15 civil service that—

16                   “(I) is not a firefighter position;

17                   and

18                   “(II) is within an agency that  
19 regularly appoints individuals to su-  
20 pervisory or administrative positions  
21 related to the activities of the former  
22 firefighter position of the individual.

23           “(B) Unless an affected individual files an  
24 election described in subparagraph (E), cred-  
25 itable service by the affected individual in a po-

1           sition described in subparagraph (A)(iv) shall  
2           be treated as creditable service in a firefighter  
3           position for purposes of this chapter and deter-  
4           mining the amount to be deducted and withheld  
5           from the pay of the affected individual under  
6           section 8422.

7           “(C) Subparagraph (B) shall only apply if  
8           the affected employee transitions to a position  
9           described in subparagraph (A)(iv) without a  
10          break in service exceeding 3 days.

11          “(D) The service of an affected individual  
12          shall no longer be eligible for treatment under  
13          subparagraph (B) if such service occurs after  
14          the individual—

15                 “(i) is transferred to a supervisory or  
16                 administrative position related to the ac-  
17                 tivities of the former firefighter position of  
18                 the individual; or

19                 “(ii) meets the age and service re-  
20                 quirements that would subject the indi-  
21                 vidual to mandatory separation under sec-  
22                 tion 8425 if such individual had remained  
23                 in the former firefighter position.

24          “(E) In accordance with procedures estab-  
25          lished by the Director of the Office of Personnel

1 Management, an affected individual may file an  
2 election to have any creditable service per-  
3 formed by the affected individual treated in ac-  
4 cordance with this chapter without regard to  
5 subparagraph (B).

6 “(F) Nothing in this paragraph shall be  
7 construed to apply to such affected individual  
8 any other pay-related laws or regulations appli-  
9 cable to a firefighter position.”.

10 (B) TECHNICAL AND CONFORMING AMEND-  
11 MENTS.—Chapter 84 of title 5, United States  
12 Code, is amended—

13 (i) in section 8414(b)(3), by inserting  
14 “(1)” after “subsection (d)”;

15 (ii) in section 8415—

16 (I) in subsection (e), in the mat-  
17 ter preceding paragraph (1), by in-  
18 serting “(1)” after “subsection (d)”;  
19 and

20 (II) in subsection (h)(2)(A), by  
21 striking “(d)(2)” and inserting  
22 “(d)(1)(B)”;

23 (iii) in section 8421(a)(1), by insert-  
24 ing “(1)” after “(d)”;



1 (iv) in section 8421a(b)(4)(B)(ii), by  
2 inserting “(1)” after “section 8412(d)”;

3 (v) in section 8425, by inserting “(1)”  
4 after “section 8412(d)” each place it ap-  
5 pears; and

6 (vi) in section 8462(c)(3)(B)(ii), by  
7 inserting “(1)” after “subsection (d)”.

8 (2) IMPLEMENTATION.—

9 (A) REGULATIONS.—Not later than 1 year  
10 after the date of enactment of this Act, the Di-  
11 rector shall promulgate regulations to carry out  
12 the amendments made by paragraph (2). Such  
13 regulations—

14 (i) shall include a requirement that  
15 the head of the agency at which an af-  
16 fected employee incurred the applicable ill-  
17 ness or injury certifies that such illness or  
18 injury—

19 (I) was incurred in the course of  
20 the employee’s duties; and

21 (II) permanently precludes the  
22 employee from rendering useful and  
23 efficient service in a firefighter posi-  
24 tion but would not preclude the em-  
25 ployee or special agent from con-

1 continuing to serve in the Federal service;

2 and

3 (ii) shall ensure—

4 (I) that, to the greatest extent  
5 possible, the head of each agency ap-  
6 points affected employees to super-  
7 visory or administrative positions re-  
8 lated to the activities of the former  
9 firefighter position of the employee;  
10 and

11 (II) that the creditable service of  
12 an affected employee that is not in a  
13 firefighter position pursuant to an  
14 election made under such amendments  
15 shall be treated as the same type of  
16 service as the firefighter position in  
17 which the employee suffered the quali-  
18 fying illness or injury.

19 (B) APPLICATION.—The amendments  
20 made by this section shall apply to an indi-  
21 vidual who suffers an illness or injury described  
22 in section 8412(d)(2)(A)(i)(II) of title 5, United  
23 States Code, as amended by this subsection, on  
24 or after the date that is 2 years after the date  
25 of enactment of this Act.

1 (b) DEPOSIT SERVICE.—Notwithstanding any other  
2 provision of law, any service performed by an individual  
3 as a Federal wildland firefighter on or after January 1,  
4 1989, for which retirement deductions under chapter 84  
5 of title 5, United States Code, have not been made shall  
6 be creditable under such chapter, but only if such fire-  
7 fighter—

8 (1) submits a written election to the Director;  
9 and

10 (2) the deposit requirements of section 8411(f)  
11 of such title had been met with respect to such serv-  
12 ice.

13 (c) DISABILITY ANNUITY.—Beginning on the date of  
14 enactment of this Act, any Federal wildland firefighter  
15 who suffers from a disease described in section 8102(c)(3)  
16 of title 5, United States Code (as added by section 3(d)  
17 of this Act), due to environmental job-related exposure,  
18 including smoke inhalation, silicate inhalation, and fire-  
19 fighting chemical exposure, shall be considered to be dis-  
20 abled for purposes of section 8451 of such title. Such sec-  
21 tion 8451 shall be applied to any such firefighter by sub-  
22 stituting “12 months” for “18 months”.

23 (d) INCLUDING OVERTIME AS BASIC PAY.—Section  
24 8331(3) of title 5, United States Code, is amended—

1           (1) in subparagraph (H), by striking “and” at  
2           the end;

3           (2) in subparagraph (I), by inserting “and”  
4           after the semicolon;

5           (3) by inserting after subparagraph (I) the fol-  
6           lowing:

7                   “(J) with respect to a Federal wildland  
8           firefighter (as that term is defined in section  
9           1(b) of the Tim Hart Wildland Firefighter  
10          Classification and Pay Parity Act), overtime  
11          pay received on or after the date of enactment  
12          of this subparagraph;”;

13          (4) in the undesignated matter following sub-  
14          paragraph (J) (as added by paragraph (3)), by strik-  
15          ing “subparagraphs (B) through (I) of this para-  
16          graph” and inserting “subparagraphs (B) through  
17          (J) of this paragraph,”.

18          (e) SEPARATE NORMAL-COST PERCENTAGE.—Sec-  
19          tion 8423(a)(1)(B)(i) of title 5, United States Code, is  
20          amended by inserting after “firefighters,” the following:  
21          “Federal wildland firefighter (as that term is defined in  
22          section 1 of the Tim Hart Wildland Firefighter Classifica-  
23          tion and Pay Parity Act),”.

1 **SEC. 5. PAY PARITY FOR FEDERAL STRUCTURAL FIRE-**  
2 **FIGHTERS.**

3 (a) IN GENERAL.—Not later than 1 year after the  
4 date of enactment of this Act, any pay, benefits, and bo-  
5 nuses provided to any Federal structural firefighter shall  
6 be comparable with the pay, benefits, and bonuses pro-  
7 vided for Federal wildland firefighters under this Act. Not  
8 later than 1 year after the date the pay scale is established  
9 under section 2(b)(1), the Director shall submit a report  
10 to Congress on whether pay for such Federal structural  
11 firefighters is competitive with Federal wildland fire-  
12 fighters.

13 (b) FEDERAL STRUCTURAL FIREFIGHTER DE-  
14 FINED.—In this section, the term “Federal structural fire-  
15 fighter”—

16 (1) has the meaning given the term “fire-  
17 fighter” in section 8401 of chapter 84 of title 5,  
18 United States Code; and

19 (2) does not include any Federal wildland fire-  
20 fighter.

○