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(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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

IN THE HOUSE OF REPRESENTATIVES

Mr. NEGUSE introduced the following bill; which was referred to the
Committee on _____

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:

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

1 (2) FEDERAL WILDLAND FIREFIGHTER.—The
2 term “Federal wildland firefighter” means any tem-
3 porary, seasonal, or permanent position at the De-
4 partment of Agriculture or the Department of Inte-
5 rior that maintains group, emergency incident man-
6 agement, or fire qualifications, as established annu-
7 ally by the Standards for Wildland Fire Position
8 Qualifications published by the National Wildfire
9 Coordinating Group, and primarily engages in or
10 supports wildland fire management activities, includ-
11 ing forestry and rangeland technicians and positions
12 concerning aviation, engineering heavy equipment
13 operations, or fire and fuels management.

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

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

20 (a) OCCUPATIONAL SERIES.—

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

24 (A) the Director of the Office of Personnel
25 Management shall establish one or more classi-

1 fication series (if one series, to be designated as
2 the “Wildland Firefighter Series”) for Federal
3 wildland firefighter positions; and

4 (B) the Secretaries shall determine each
5 position within the Department of Agriculture
6 and the Department of Interior that qualifies as
7 a Federal wildland firefighter position.

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

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

16 (B) to be transferred to any occupational
17 series established under paragraph (1).

18 (b) PAY.—

19 (1) IN GENERAL.—Not later than 1 year after
20 the date of enactment of this Act, there is estab-
21 lished a pay scale for Federal wildland firefighter
22 positions within any classification series established
23 under subsection (a). Under such scale, the min-
24 imum rate of basic pay for any position shall be not
25 less than the rate of pay for step 3 of GS—6 of the

1 General Schedule, as adjusted by the pay locality
2 designated as “Rest of U.S.” under section 5304 of
3 title 5, United States Code.

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

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

1 Federal firefighters in the State or locality where
2 Federal wildland firefighters are based.

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

14 (c) WORK SCHEDULES.—

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

23 (2) RESOURCE ORDER.—

24 (A) IN GENERAL.—When deployed on a re-
25 source order under the Incident Resource Order

1 Capability System (or any successor system), a
2 Federal wildland firefighter shall be paid for
3 the period beginning on the receipt of such
4 order and ending when the employee returns
5 from such deployment.

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

13 (d) OTHER MATTERS.—

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

1 (2) RECRUITMENT AND RETENTION BONUS.—

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

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

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

19 (3) HOUSING ALLOWANCE.—The Secretaries
20 shall provide a housing allowance to any Federal
21 wildland firefighter deployed to a location more than
22 50 miles from their primary residence. Such allow-
23 ance shall be in an amount determined appropriate
24 by the Secretaries and adjusted based on the cost of
25 housing in the area of deployment.

1 (4) CAREER TRANSITION.—

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

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

20 (C) REVIEW.—The Secretaries shall con-
21 duct an annual review of whether the amount
22 provided under subparagraph (B) is adequate,
23 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, in-
18 cluding 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;”; and

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.