

**AMENDMENT TO RULES COMMITTEE PRINT 117-2
OFFERED BY MS. LOFGREN**

At the end of the bill add the following:

TITLE IX – MISCELLANEOUS

SECTION 901. WAIVER OF CERTAIN PAY CAPS FOR WILDLAND FIREFIGHTERS.

- (a) **PREMIUM PAY.** – Notwithstanding any other provision of law, including sections 16003 and 18110 of the CARES Act (Public Law 116-136; 5 U.S.C. 5547 note), any premium pay paid to a Federal wildland firefighter for emergency response services performed for wildland fire protection during the covered period shall be disregarded in calculating the aggregate of such employee’s basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code or under any other provision of law, whether such employee pay is paid on a biweekly, monthly, or calendar or fiscal year basis.
- (b) **OVERTIME PAY.** – Any overtime pay paid to a Federal wildland firefighter for such services performed during the covered period shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar fiscal year.
- (c) **AGGREGATE PAY LIMITATION.** – With regard to such services, any pay that is disregarded under subsections (a) or (b) shall be in calculating a Federal wildland firefighter’s aggregate pay for purposes of the limitation in section 5307 of title 5, United States Code.
- (d) **ADDITIONAL CREDITABLE PAY.** – If application of this section results in the payment of additional premium pay or overtime pay to a Federal wildland firefighter of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not –
 - (1) be considered to be basic pay of the Federal wildland firefighter for any purpose; or
 - (2) be used in computing a lump-sum payment to the Federal wildland firefighter for accumulated accrued annual leave under section 5551 or section 5552 of title 5, United States Code.
- (e) **DEFINITIONS.** – In this section:
 - (1) **COVERED PERIOD.** – The term “covered period” means the period beginning on January 1, 2020, and ending on September 30, 2022.
 - (2) **FEDERAL WILDLAND FIREFIGHTER.** – The term “Federal wildland firefighter” means any employee of the Department of the Interior or the Department of Agriculture, including any seasonal, intermittent, or part-time employee, who engages in –
 - (A) wildland firefighting activity;
 - (B) on-site or off-site assistance to others engaged in wildland firefighting activity;and
 - (C) other employees as determined by the Secretary concerned, in consultation with the Director of the Office of Personnel Management, without regard to title, occupational series, grade level or geographic location.

- (3) WILDLAND FIREFIGHTING ACTIVITY. – The term “wildland firefighting activity” means any of the following activities –
 - (A) controlling and extinguishing wildland fires;
 - (B) rescuing persons endangered by wildland fires; and
 - (C) reducing or eliminating potential wildland fire hazards.
- (4) SECRETARY CONCERNED. – The term “Secretary concerned” means –
 - (A) the Secretary of Agriculture with respect to employees of the Department of Agriculture; and
 - (B) the Secretary of the Interior with respect to employees of the Department of the Interior.
- (f) AUTHORIZATION OF APPROPRIATIONS. – The Secretary of the Interior and the Secretary of Agriculture are each authorized to use funds made available to such Secretary for wildland fire suppression for costs incurred by the application of this section.
- (g) EFFECTIVE DATE. – This section shall take effect as if enacted on January 1, 2020.

SEC. 902. REPORT ON OPPORTUNITIES AND COSTS OF AN EXPANDED, YEAR-ROUND FIREFIGHTING WORKFORCE.

Not later than 120 days after the date of enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall each separately submit to Congress to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Agriculture, the Committee on Natural Resources, and the Committee on Oversight and Reform of the House of Representatives a report on the resources, policies, personnel or structural changes, and other investments necessary to support an expanded full time, year-round firefighting workforce, including –

- (1) an assessment of the scope of resources and personnel necessary to meet the growing demands on the agency’s wildland firefighting workforce;
- (2) how such an expanded workforce could increase suppression capacity and be utilized during periods of low wildfire activity in support of additional hazardous fuels reduction, including prescribed burns or managed wildfires, to reduce risks to vulnerable communities, critical infrastructure, and natural and cultural resources;
- (3) an assessment of how the composition and funding for both the fire and non-fire workforce at the agency has changed over time;
- (4) a cost-benefit analysis regarding the use of prescribed or managed fire as compared to mechanical thinning, logging, and other forest management activities;
- (5) how such an expanded workforce could support meeting additional agency objectives, resource management needs, and forest resilience; and
- (6) a review, in coordination with the Office of Personnel Management, of a possible new position classification series and pay system for Federal wildland firefighters that more accurately reflects the duties performed by such employees that includes a list of policy changes necessary for implementation.