

**AMENDMENT TO H.R. 8790, AS REPORTED  
OFFERED BY MS. LEE OF NEVADA**

At the end of the bill add the following:

1     **TITLE IV—RATES OF PAY FOR**  
2     **WILDLAND FIREFIGHTERS**

3     **SEC. 401. SPECIAL BASE RATES OF PAY FOR WILDLAND**  
4     **FIREFIGHTERS.**

5         (a) IN GENERAL.—Subchapter III of chapter 53 of  
6 title 5, United States Code, is amended by inserting after  
7 section 5332 the following:

8     **“§ 5332a. Special base rates of pay for wildland fire-**  
9     **fighters**

10         “(a) DEFINITIONS.—In this section—

11                 “(1) the term ‘firefighter’ means an employee  
12         who—

13                         “(A) is a firefighter within the meaning of  
14                         section 8331(21) or section 8401(14);

15                         “(B) in the case of an employee who holds  
16                         a supervisory or administrative position and is  
17                         subject to subchapter III of chapter 83, but  
18                         who does not qualify to be considered a fire-  
19                         fighter within the meaning of section 8331(21),  
20                         would otherwise qualify if the employee had

1 transferred directly to that position after serv-  
2 ing as a firefighter within the meaning of that  
3 section;

4 “(C) in the case of an employee who holds  
5 a supervisory or administrative position and is  
6 subject to chapter 84, but who does not qualify  
7 to be considered a firefighter within the mean-  
8 ing of section 8401(14), would otherwise qualify  
9 if the employee had transferred directly to that  
10 position after performing duties described in  
11 section 8401(14)(A) for at least 3 years; or

12 “(D) in the case of an employee who is not  
13 subject to subchapter III of chapter 83 or chap-  
14 ter 84, holds a position that the Office of Per-  
15 sonnel Management determines would satisfy  
16 subparagraph (A), (B), or (C) if the employee  
17 were subject to subchapter III of chapter 83 or  
18 chapter 84;

19 “(2) the term ‘General Schedule base rate’  
20 means an annual rate of basic pay established under  
21 section 5332 before any additions, such as a locality-  
22 based comparability payment under section 5304 or  
23 5304a or a special rate supplement under section  
24 5305;

1           “(3) the term ‘special base rate’ means an an-  
2           nual rate of basic pay payable to a wildland fire-  
3           fighter, before any additions or reductions, that re-  
4           places the General Schedule base rate otherwise ap-  
5           plicable to the wildland firefighter and that is ad-  
6           ministered in the same manner as a General Sched-  
7           ule base rate; and

8           “(4) the term ‘wildland firefighter’ means a  
9           firefighter—

10           “(A) who is employed by the Forest Serv-  
11           ice or the Department of the Interior; and

12           “(B) the duties of the position of whom  
13           primarily relate to fires occurring in forests,  
14           range lands, or other wildlands, as opposed to  
15           structural fires.

16           “(b) SPECIAL BASE RATES OF PAY.—

17           “(1) ENTITLEMENT TO SPECIAL RATE.—Not-  
18           withstanding section 5332, a wildland firefighter is  
19           entitled to a special base rate at grades 1 through  
20           15, which shall—

21           “(A) replace the otherwise applicable Gen-  
22           eral Schedule base rate for the wildland fire-  
23           fighter;

24           “(B) be basic pay for all purposes, includ-  
25           ing the purpose of computing a locality-based

1 comparability payment under section 5304 or  
2 5304a; and

3 “(C) be computed as described in para-  
4 graph (2) and adjusted at the time of adjust-  
5 ments in the General Schedule.

6 “(2) COMPUTATION.—

7 “(A) IN GENERAL.—The special base rate  
8 for a wildland firefighter shall be derived by in-  
9 creasing the otherwise applicable General  
10 Schedule base rate for the wildland firefighter  
11 by the following applicable percentage for the  
12 grade of the wildland firefighter and rounding  
13 the result to the nearest whole dollar:

14 “(i) For GS–1, 42 percent.

15 “(ii) For GS–2, 39 percent.

16 “(iii) For GS–3, 36 percent.

17 “(iv) For GS–4, 33 percent.

18 “(v) For GS–5, 30 percent.

19 “(vi) For GS–6, 27 percent.

20 “(vii) For GS–7, 24 percent.

21 “(viii) For GS–8, 21 percent.

22 “(ix) For GS–9, 18 percent.

23 “(x) For GS–10, 15 percent.

24 “(xi) For GS–11, 12 percent.

25 “(xii) For GS–12, 9 percent.

1 “(xiii) For GS–13, 6 percent.

2 “(xiv) For GS–14, 3 percent.

3 “(xv) For GS–15, 1.5 percent.

4 “(B) HOURLY, DAILY, WEEKLY, OR BI-  
5 WEEKLY RATES.—When the special base rate  
6 with respect to a wildland firefighter is ex-  
7 pressed as an hourly, daily, weekly, or biweekly  
8 rate, the special base rate shall be computed  
9 from the appropriate annual rate of basic pay  
10 derived under subparagraph (A) in accordance  
11 with the rules under section 5504(b).”.

12 (b) AMENDMENT TO PREVAILING RATE DETERMINA-  
13 TIONS.—Section 5343 of title 5, United States Code, is  
14 amended by adding at the end the following:

15 “(g)(1) For a prevailing rate employee described in  
16 section 5342(a)(2)(A) who is a wildland firefighter, as de-  
17 fined in section 5332a(a), the Secretary of Agriculture or  
18 the Secretary of the Interior (as applicable) shall increase  
19 the wage rates of that employee by an amount (determined  
20 at the sole and exclusive discretion of the applicable Sec-  
21 retary after consultation with the other Secretary) that is  
22 generally consistent with the percentage increases given  
23 to wildland firefighters in the General Schedule under sec-  
24 tion 5332a.

1 “(2) An increased wage rate under paragraph (1)  
2 shall be basic pay for the same purposes as the wage rate  
3 otherwise established under this section.

4 “(3) An increase under this subsection may not cause  
5 the wage rate of an employee to increase to a rate that  
6 would produce an annualized rate in excess of the annual  
7 rate for level IV of the Executive Schedule.”.

8 (c) CLERICAL AMENDMENT.—The table of sections  
9 for subchapter III of chapter 53 of title 5, United States  
10 Code, is amended by inserting after the item relating to  
11 section 5332 the following:

“5332a. Special base rates of pay for wildland firefighters.”.

12 (d) EFFECTIVE DATE.—The amendments made by  
13 this section shall take effect on the first day of the first  
14 applicable pay period beginning on or after October 1,  
15 2024, or the date of enactment of this Act, whichever is  
16 later.

17 (e) APPLICABILITY OF CERTAIN PROVISIONS OF IN-  
18 FRASTRUCTURE INVESTMENT AND JOBS ACT.—Notwith-  
19 standing section 40803(d)(4)(B) of the Infrastructure In-  
20 vestment and Jobs Act (16 U.S.C. 6592(d)(4)(B)) and au-  
21 thority provided under the headings “WILDLAND FIRE  
22 MANAGEMENT – FOREST SERVICE” and “WILDLAND FIRE  
23 MANAGEMENT – DEPARTMENT OF THE INTERIOR” in fis-  
24 cal years 2024 and 2025, the salary increase in such sec-  
25 tion and under such headings shall not apply to the posi-

1 tions described in such section 40803(d)(4)(B) for service  
2 performed on or after the effective date described in sub-  
3 section (d) of this section.

4 **SEC. 402. WILDLAND FIRE INCIDENT RESPONSE PREMIUM**  
5 **PAY.**

6 (a) IN GENERAL.—Subchapter V of chapter 55 of  
7 title 5, United States Code, is amended by inserting after  
8 section 5545b the following:

9 **“§ 5545c. Incident response premium pay for employ-**  
10 **ees engaged in wildland firefighting**

11 “(a) DEFINITIONS.—In this section—

12 “(1) the term ‘appropriate committees of Con-  
13 gress’ means—

14 “(A) the Committee on Appropriations of  
15 the House of Representatives;

16 “(B) the Committee on Oversight and Ac-  
17 countability of the House of Representatives;

18 “(C) the Committee on Agriculture of the  
19 House of Representatives;

20 “(D) the Committee on Natural Resources  
21 of the House of Representatives;

22 “(E) the Committee on Appropriations of  
23 the Senate;

24 “(F) the Committee on Homeland Security  
25 and Governmental Affairs of the Senate;

1                   “(G) the Committee on Energy and Nat-  
2                   ural Resources of the Senate; and

3                   “(H) the Committee on Agriculture, Nutri-  
4                   tion, and Forestry of the Senate;

5                   “(2) the term ‘covered employee’ means an em-  
6                   ployee of the Forest Service or the Department of  
7                   the Interior who is—

8                   “(A) a wildland firefighter, as defined in  
9                   section 5332a(a); or

10                  “(B) certified by the applicable agency to  
11                  perform wildland fire incident-related duties  
12                  during the period that employee is deployed to  
13                  respond to a qualifying incident;

14                  “(3) the term ‘incident response premium pay’  
15                  means pay to which a covered employee is entitled  
16                  under subsection (c);

17                  “(4) the term ‘prescribed fire incident’ means a  
18                  wildland fire originating from a planned ignition in  
19                  accordance with applicable laws, policies, and regula-  
20                  tions to meet specific objectives;

21                  “(5) the term ‘qualifying incident’—

22                         “(A) means—

23                                 “(i) a wildfire incident, a prescribed  
24                                 fire incident, or a severity incident; or

1 “(ii) an incident that the Secretary of  
2 Agriculture or the Secretary of the Interior  
3 determines is similar in nature to an inci-  
4 dent described in clause (i); and

5 “(B) does not include an initial response  
6 incident that is contained within 36 hours; and

7 “(6) the term ‘severity incident’ means an inci-  
8 dent in which a covered employee is pre-positioned  
9 in an area in which conditions indicate there is a  
10 high risk of wildfires.

11 “(b) ELIGIBILITY.—A covered employee is eligible for  
12 incident response premium pay under this section if—

13 “(1) the covered employee is deployed to re-  
14 spond to a qualifying incident; and

15 “(2) the deployment described in paragraph (1)  
16 is—

17 “(A) outside of the official duty station of  
18 the covered employee; or

19 “(B) within the official duty station of the  
20 covered employee and the covered employee is  
21 assigned to an incident-adjacent fire camp or  
22 other designated field location.

23 “(c) ENTITLEMENT TO INCIDENT RESPONSE PRE-  
24 MIUM PAY.—

1           “(1) IN GENERAL.—A covered employee who  
2           satisfies the conditions under subsection (b) is enti-  
3           tled to premium pay for the period in which the cov-  
4           ered employee is deployed to respond to the applica-  
5           ble qualifying incident.

6           “(2) COMPUTATION.—

7                 “(A) FORMULA.—Subject to subpara-  
8                 graphs (B) and (C), premium pay under para-  
9                 graph (1) shall be paid to a covered employee  
10                at a daily rate of 450 percent of the hourly rate  
11                of basic pay of the covered employee for each  
12                day that the covered employee satisfies the re-  
13                quirements under subsection (b), rounded to  
14                the nearest whole cent.

15               “(B) LIMITATION.—Premium pay under  
16                this subsection may not be paid—

17                         “(i) with respect to a covered em-  
18                         ployee for whom the annual rate of basic  
19                         pay is greater than that for step 10 of GS–  
20                         10, at a daily rate that exceeds the daily  
21                         rate established under subparagraph (A)  
22                         for step 10 of GS–10; or

23                         “(ii) to a covered employee in a total  
24                         amount that exceeds \$9,000 in any cal-  
25                         endar year.

1 “(C) ADJUSTMENTS.—

2 “(i) ASSESSMENT.—The Secretary of  
3 Agriculture and the Secretary of the Inte-  
4 rior shall assess the difference between the  
5 average total amount of compensation that  
6 was paid to covered employees, by grade,  
7 in fiscal years 2023 and 2024.

8 “(ii) REPORT.—Not later than 180  
9 days after the date that is 1 year after the  
10 effective date of this section, the Secretary  
11 of Agriculture and the Secretary of the In-  
12 terior shall jointly publish a report on the  
13 results of the assessment conducted under  
14 clause (i).

15 “(iii) ADMINISTRATIVE ACTIONS.—  
16 After publishing the report required under  
17 clause (ii), the Secretary of Agriculture  
18 and the Secretary of the Interior, in con-  
19 sultation with the Director of the Office of  
20 Personnel Management, may, in the sole  
21 and exclusive discretion of the Secretaries  
22 acting jointly, administratively adjust the  
23 amount of premium pay paid under this  
24 subsection (or take other administrative  
25 action) to ensure that the average annual

1 amount of total compensation paid to cov-  
2 ered employees, by grade, is more con-  
3 sistent with such amount that was paid to  
4 those employees in fiscal year 2023.

5 “(iv) CONGRESSIONAL NOTIFICA-  
6 TION.—Not later than 3 days after an ad-  
7 justment made, or other administrative ac-  
8 tion taken, under clause (iii) becomes final,  
9 the Secretary of Agriculture and the Sec-  
10 retary of the Interior shall jointly submit  
11 to the appropriate committees of Congress  
12 a notification regarding that adjustment or  
13 other administrative action, as applicable.

14 “(d) TREATMENT OF INCIDENT RESPONSE PREMIUM  
15 PAY.—Incident response premium pay under this sec-  
16 tion—

17 “(1) is not considered part of the basic pay of  
18 a covered employee for any purpose;

19 “(2) may not be considered in determining a  
20 covered employee’s lump-sum payment for accumu-  
21 lated and accrued annual leave under section 5551  
22 or section 5552;

23 “(3) may not be used in determining pay under  
24 section 8114 (relating to compensation for work in-  
25 juries);

1 “(4) may not be considered in determining pay  
2 for hours of paid leave or other paid time off during  
3 which the premium pay is not payable; and

4 “(5) shall be disregarded in determining the  
5 minimum wage and overtime pay to which a covered  
6 employee is entitled under the Fair Labor Standards  
7 Act of 1938 (29 U.S.C. 201 et seq.).”.

8 (b) AMENDMENTS TO PREMIUM PAY PROVISIONS.—  
9 Subchapter V of chapter 55 of title 5, United States Code,  
10 is amended—

11 (1) in section 5544—

12 (A) by amending the section heading to  
13 read as follows: “**Wage-board overtime,**  
14 **Sunday rates, and other premium**  
15 **pay**”; and

16 (B) by adding at the end the following:

17 “(d) A prevailing rate employee described in section  
18 5342(a)(2)(A) shall receive incident response premium  
19 pay under the same terms and conditions that apply to  
20 a covered employee under section 5545c if that em-  
21 ployee—

22 “(1) is employed by the Forest Service or the  
23 Department of the Interior; and

24 “(2)(A) is a wildland firefighter, as defined in  
25 section 5332a(a); or

1 “(B) is certified by the applicable agency to  
2 perform wildland fire incident-related duties during  
3 the period the employee is deployed to respond to a  
4 qualifying incident (as defined in section  
5 5545c(a)).”; and

6 (2) in section 5547(a), in the matter preceding  
7 paragraph (1), by inserting “5545c,” after  
8 “5545a,”.

9 (c) CLERICAL AMENDMENTS.—The table of sections  
10 for subchapter V of chapter 55 of title 5, United States  
11 Code, is amended—

12 (1) by amending the item relating to section  
13 5544 to read as follows:

“5544. Wage-board overtime, Sunday rates, and other premium pay.”; and

14 (2) by inserting after the item relating to sec-  
15 tion 5545b the following:

“5545c. Incident response premium pay for employees engaged in wildland fire-  
fighting.”.

16 (d) EFFECTIVE DATE.—The amendments made by  
17 this section shall take effect on the first day of the first  
18 applicable pay period beginning on or after October 1,  
19 2024, or the date of enactment of this Act, whichever is  
20 later.

