

AMENDMENT TO RULES COMMITTEE PRINT

119–22

OFFERED BY MR. NEGUSE OF COLORADO

Add at the end of title VIII the following:

1 **Subtitle G—Pay and Benefits of**
2 **Federal Wildland Firefighters**

3 **SEC. 8701. SHORT TITLE; DEFINITIONS; TABLE OF CON-**
4 **TENTS.**

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

8 (b) **DEFINITIONS.**—In this subtitle:

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

11 (2) **FEDERAL WILDLAND FIREFIGHTER.**—The
12 term “Federal wildland firefighter” means any tem-
13 porary, seasonal, or permanent position at the De-
14 partment of Agriculture or the Department of the
15 Interior, and Tribal Firefighters, that maintains
16 group, emergency incident management, or fire
17 qualifications, as established annually by the Stand-
18 ards for Wildland Fire Position Qualifications pub-
19 lished by the National Wildfire Coordinating Group,

1 and primarily engages in or supports wildland fire
2 management activities, including forestry and range-
3 land technicians and positions concerning aviation,
4 engineering heavy equipment operations, dispatch, or
5 fire and fuels management.

6 (3) SECRETARIES.—The term “Secretaries”
7 means the Secretary of Agriculture and the Sec-
8 retary of the Interior.

9 (c) TABLE OF CONTENTS.—The table of contents for
10 this subtitle is as follows:

Subtitle G—Pay and Benefits of Federal Wildland Firefighters

Sec. 8701. Short title; definitions; table of contents.

Sec. 8702. Special limitations on pay for wildland firefighters.

Sec. 8703. Rest and recuperation leave for employees engaged in wildland fire-
fighting.

Sec. 8704. Health provisions.

Sec. 8705. Retirement for firefighters.

Sec. 8706. Pay parity for Federal structural firefighters.

Sec. 8707. Pay adjustments and other matters.

Sec. 8708. Wildland Fire Management Casualty Assistance Program.

Sec. 8709. Continuing accrual of service for Firefighters.

11 **SEC. 8702. SPECIAL LIMITATIONS ON PAY FOR WILDLAND**
12 **FIREFIGHTERS.**

13 (a) IN GENERAL.—Title 5, United States Code, is
14 amended—

15 (1) by inserting after section 5547 the fol-
16 lowing:

17 **“§ 5547a. Special limitations on premium pay for em-**
18 **ployees engaged in wildland firefighting**

19 “(a) In this section—

1 “(1) the term ‘covered employee’ means an em-
2 ployee of the Forest Service or the Department of
3 the Interior who—

4 “(A) qualifies as a wildland firefighter
5 based on the definitions of ‘firefighter’ and
6 ‘wildland firefighter’ in section 5332a(a); or

7 “(B) is certified by the applicable agency
8 to perform wildland fire incident related duties
9 during the period such employee is assigned to
10 a qualifying incident;

11 “(2) the term ‘covered services’ means services
12 performed by an employee that are determined by
13 the Secretary of the Interior or the Secretary of Ag-
14 riculture, as applicable, to primarily involve emer-
15 gency wildfire suppression activities, including any
16 periods of duty when the employee is sleeping or
17 resting during an extended period of deployment to
18 engage in those activities;

19 “(3) the term ‘emergency wildland fire suppres-
20 sion activities’ means initial-response and extended-
21 response activities that directly relate to suppression
22 of a wildfire, including activities associated with a
23 severity incident but excluding activities associated
24 with a prescribed fire incident (as those terms are
25 defined section 5545c); and

1 “(4) the term ‘premium pay’ means the pre-
2 mium pay paid under the provisions of law cited in
3 section 5547(a), except as otherwise provided in sub-
4 section (h).

5 “(b) Any premium pay earned by a covered employee
6 for covered services shall be disregarded in calculating the
7 aggregate of such employee’s basic pay and premium pay
8 for purposes of applying a limitation under section 5547.

9 “(c) Any premium pay that is disregarded under sub-
10 section (b) shall be disregarded in calculating such em-
11 ployee’s aggregate pay for purposes of applying the limita-
12 tion in section 5307.

13 “(d) Pay that is disregarded under subsection (b)
14 may not be paid to the extent it would cause the aggregate
15 of the employee’s basic pay, premium pay, and hazard pay
16 under section 5545(d) payable in the applicable calendar
17 year to exceed the rate of basic pay payable for a position
18 at level II of the Executive Schedule under section 5313,
19 as in effect at the end of such calendar year. Any premium
20 pay that is subject to a biweekly limitation under section
21 5547(e) must be paid first before other premium pay in
22 applying the level II limitation.

23 “(e) Application of the limit in subsection (d) or sub-
24 section (h) to a covered employee may be waived at the
25 sole and exclusive discretion of the Secretary of the Inte-

1 rior or the Secretary of Agriculture, as applicable. Before
2 authorizing such a waiver for employees of their respective
3 agencies, each Secretary, after consulting with the other
4 Secretary, shall prescribe criteria that will be applied in
5 making a determination to grant a waiver.

6 “(f) Any additional pay resulting from application of
7 this section may not be used in computing a lump-sum
8 payment for accumulated and accrued annual leave under
9 section 5551 or section 5552.

10 “(g) The Departments of the Interior and Agri-
11 culture shall maintain records that document uses of the
12 authority provided by this section.

13 “(h)(1) For prevailing rate employees described in
14 section 5342(a)(2)(A) who meet the requirements in sub-
15 section (a)(l) to qualify as a covered employee, premium
16 pay may not be paid to the extent it would cause the ag-
17 gregate of the employee’s basic pay and premium pay in
18 the applicable calendar year to exceed the rate of basic
19 pay payable for a position at level II of the Executive
20 Schedule under section 5313, as in effect at the end of
21 such calendar year.

22 “(2) For the purposes of this subsection, the term
23 ‘basic pay’ means wages, environmental differential pay,
24 and night shift differential pay, and the term ‘premium

1 pay’ means overtime pay, Sunday premium pay, and holi-
2 day premium pay.”; and

3 (2) in section 5541(2)(xi), by inserting “, sec-
4 tion 5547a(h),” after “section 5544”.

5 (b) CALENDAR YEAR 2026.—For the purpose of ap-
6 plying section 5547 and section 1701 of division B of Pub-
7 lic Law 117–43 (5 U.S.C. 5547 note) in calendar year
8 2026, incident standby premium pay shall be included in
9 premium pay that is subject to the limits established in
10 those sections.

11 (c) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect on the first day of the first
13 pay period that has a payment date in January 2027. Sub-
14 section (b) shall be effective on the first day of the first
15 applicable pay period beginning on or after October 1,
16 2026.

17 (d) CLERICAL AMENDMENT.—The table of sections
18 for chapter 55 of title 5, United States Code, is further
19 amended by inserting after the item for section 5547 the
20 following new item:

“5547a. Special limitations on premium pay for employees engaged in wildland
firefighting.”.

21 **SEC. 8703. REST AND RECUPERATION LEAVE FOR EMPLOY-**
22 **EES ENGAGED IN WILDLAND FIREFIGHTING.**

23 (a) IN GENERAL.—Title 5, United States Code, is
24 amended by inserting after section 6329d the following:

1 **“§ 6329e. Rest and recuperation leave for employees**
2 **engaged in wildland firefighting**

3 “(a) In this section—

4 “(1) the term ‘applicable Secretary’ means the
5 Secretary of Agriculture or the Secretary of the In-
6 terior;

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

10 “(A) qualifies as a ‘wildland firefighter’
11 based on the definitions of ‘firefighter’ and
12 ‘wildland firefighter’ in section 5332a(a) (apply-
13 ing the definition of ‘employee’ in section
14 6301(2) in lieu of the definition of ‘employee’ in
15 section 5331(a)); or

16 “(B) is certified by the applicable agency
17 to perform wildland fire incident related duties
18 during the period such employee is assigned to
19 a qualifying incident; and

20 “(3) the term ‘qualifying incident’ has the
21 meaning given that term in section 5545c(a)(5).

22 “(b) A covered employee may receive paid rest and
23 recuperation leave following the completion of service
24 under a qualifying incident, subject to policies established
25 at the sole and exclusive discretion of the Secretary of the
26 Agriculture or the Secretary of the Interior, as applicable.

1 Each Secretary shall prescribe such policies after con-
2 sulting with the other Secretary.

3 “(c) Rest and recuperation leave granted under this
4 section shall be used during scheduled hours within the
5 covered employee’s tour of duty established for leave-
6 charging purposes and shall be paid in the same manner
7 as annual leave. Rest and recuperation leave must be used
8 immediately after a qualifying incident and may not be
9 set aside for later use. A covered employee may not receive
10 any payment for unused rest and recuperation leave.

11 “(d) A covered employee with an intermittent work
12 schedule shall be excused from duty during the same pe-
13 riod of time that other covered employees in the same cir-
14 cumstances are entitled to rest and recuperation leave and
15 shall receive a payment as if the covered employee with
16 an intermittent work schedule were entitled to rest and
17 recuperation leave under subsections (b) and (c).”

18 (b) EFFECTIVE DATE.—The amendments made by
19 subsection (a) shall be effective on the first day of the
20 first applicable pay period beginning on or after October
21 1, 2025.

22 (c) CLERICAL AMENDMENT.—The table of sections
23 for subchapter II of chapter 63 of title 5, United States
24 Code, is amended by inserting after the item relating to
25 section 6329d the following new item:

“6329e. Rest and recuperation leave for employees engaged in wildland fire-fighting.”.

1 **SEC. 8704. 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, 2026, 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 the following:

23 (A) A mental health awareness campaign.

1 (B) A mental health education and train-
2 ing program that includes an on-boarding cur-
3 riculum.

4 (C) An extensive peer-to-peer mental
5 health support network for Federal wildland
6 firefighters and their immediate family.

7 (D) Expansion of the Critical Incident
8 Stress Management Program, to develop and
9 retain a larger pool of qualified mental health
10 professionals who are familiar with the experi-
11 ences of the emergency response workforce. The
12 Program shall monitor and track mental health
13 in the profession to better understand the scope
14 of the issue and provide ongoing assistance and
15 professional long term care to patients.

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

24 (2) MENTAL HEALTH LEAVE.—Each Federal
25 wildland firefighter shall be entitled to 7 consecutive

1 days of leave, without loss or reduction in pay, dur-
2 ing any calendar year. Leave provided under this
3 paragraph shall not—

4 (A) accumulate for use in succeeding
5 years; and

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

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

14 (d) OWCP.—The Office of Workers' Compensation
15 Programs within the Department of Labor shall—

16 (1) recognize post-traumatic stress disorder and
17 psychological stress-related injuries or illnesses cor-
18 related to fire protection, suppression, and incident
19 support activities, and ensure long term coverage for
20 the duration of the illnesses; and

21 (2) expand the Special Claims Unit to ensure
22 adequate unit staffing levels are sufficient to expe-
23 dite the claims process and shorten response times
24 to wildland firefighter and incident support per-
25 sonnel injured or effected on the job in order to al-

1 leviate the psychological and financial burdens
2 placed on the patient and their families.

3 **SEC. 8705. RETIREMENT FOR FIREFIGHTERS.**

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

11 (1) submits a written election to the Director;

12 and

13 (2) the deposit requirements of section 8411(f)
14 of such title had been met with respect to such serv-
15 ice.

16 (b) DISABILITY ANNUITY.—Beginning on the date of
17 enactment of this Act, any Federal wildland firefighter
18 who suffers from a disease described in section
19 8143b(b)(2) of title 5, United States Code, due to environ-
20 mental job-related exposure, including smoke inhalation,
21 silicate inhalation, and firefighting toxic exposure, shall be
22 considered to be disabled for purposes of section 8451 of
23 such title. Such section 8451 shall be applied to any such
24 firefighter by substituting “12 months” for “18 months”.

1 (c) INCLUDING OVERTIME AS BASIC PAY.—Section
2 8331(3) of title 5, United States Code, is amended—

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

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

7 (3) by inserting after subparagraph (I) the fol-
8 lowing:

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

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

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

1 **SEC. 8706. 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 subtitle
8 and the amendments made by this subtitle. Not later than
9 1 year after the date the pay scale is established under
10 section 5332a of title 5, United States Code, as added by
11 section 8702 of this subtitle, the Director shall submit a
12 report to Congress on whether pay for such Federal struc-
13 tural firefighters is competitive with Federal wildland fire-
14 fighters.

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

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

21 (2) does not include any Federal wildland fire-
22 fighter.

23 **SEC. 8707. PAY ADJUSTMENTS AND OTHER MATTERS.**

24 (a) ANNUAL ADJUSTMENTS.—Notwithstanding any
25 other provision of law, beginning in the first pay period
26 beginning on or after the date that the pay scale is estab-

1 lished under section 5332a of title 5, United States Code,
2 as added by section 8702 of this subtitle, and annually
3 thereafter, the basic rate of pay for each Federal wildland
4 firefighter occupying a position within such pay scale shall
5 be increased by not less than the percentage equal to the
6 percent change in the Consumer Price Index (all items—
7 United States city average), published monthly by the Bu-
8 reau of Labor Statistics, for December of the preceding
9 year over such Consumer Price Index for the December
10 of the year prior to the preceding year, adjusted to the
11 nearest one-tenth of 1 percent.

12 (b) COMPENSATION COMPARABLE TO NON-FEDERAL
13 FIREFIGHTERS.—Not later than 1 year after the date the
14 pay scale is established under section 5332a of title 5,
15 United States Code, as added by section 8702 of this sub-
16 title, the Secretaries shall submit a report to Congress on
17 whether pay, benefits, and bonuses provided to Federal
18 wildland firefighters are comparable to the pay, benefits,
19 and bonuses provided for non-Federal firefighters in the
20 State or locality where Federal wildland firefighters are
21 based.

22 (c) HAZARDOUS DUTY PAY.—Each Federal wildland
23 firefighter carrying out work completed during prescribed
24 fire, parachuting, tree climbing over 20 feet, hazard tree
25 removal, and other hazardous work as identified by the

1 Secretaries, shall be entitled to be paid the appropriate
2 differential under section 5545(d) of title 5, United States
3 Code, as if such employee was covered by such section.
4 The Director may prescribe regulations to carry out this
5 subsection.

6 (d) OTHER MATTERS.—

7 (1) RECRUITMENT AND RETENTION BONUS.—

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

19 (A) shall be paid to any primary or sec-
20 ondary Federal wildland firefighter upon the
21 date that such firefighter successfully completes
22 a work capacity test; and

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

1 (2) HOUSING ALLOWANCE.—The Secretaries
2 shall provide a housing allowance to any Federal
3 wildland firefighter deployed to a location more than
4 50 miles from their primary residence. Such allow-
5 ance shall be in an amount determined appropriate
6 by the Secretaries and adjusted based on the cost of
7 housing in the area of deployment.

8 (3) CAREER TRANSITION.—

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

21 (B) AMOUNT.—The program under sub-
22 paragraph (A) shall provide, not more than
23 once during each calendar year, a payment of
24 not less than \$4,000 to each Federal wildland

1 firefighter who elects to participate in the pro-
2 gram.

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

7 **SEC. 8708. WILDLAND FIRE MANAGEMENT CASUALTY AS-**
8 **SISTANCE PROGRAM.**

9 (a) DEVELOPMENT OF PROGRAM.—Not later than 6
10 months after the date of the enactment of this Act, the
11 Secretary of the Interior shall develop a Wildland Fire
12 Management Casualty Assistance Program (referred to in
13 this section as the “Program”) to provide assistance to
14 the next-of-kin of—

15 (1) firefighters who, while in the line of duty,
16 suffer illness or are critically injured or killed; and

17 (2) wildland fire support personnel critically in-
18 jured or killed in the line of duty.

19 (b) ASPECTS OF PROGRAM.—The Program shall ad-
20 dress the following:

21 (1) The initial and any subsequent notifications
22 to the next-of-kin of a firefighter or wildland fire
23 support personnel who—

24 (A) is killed in the line of duty; or

1 (B) requires hospitalization or treatment
2 at a medical facility due to a line-of-duty injury
3 or illness.

4 (2) The reimbursement of next-of-kin for ex-
5 penses associated with travel to visit a firefighter or
6 wildland fire support personnel who—

7 (A) is killed in the line of duty; or

8 (B) requires hospitalization or treatment
9 at a medical facility due to a line-of-duty injury
10 or illness.

11 (3) The qualifications, assignment, training, du-
12 ties, supervision, and accountability for the perform-
13 ance of casualty assistance responsibilities.

14 (4) The relief or transfer of casualty assistance
15 officers, including notification to survivors of critical
16 injury or illness in the line of duty and next-of-kin
17 of the reassignment of such officers to other duties.

18 (5) Centralized, short-term and long-term case
19 management procedures for casualty assistance, in-
20 cluding rapid access by survivors of firefighters or
21 wildland fire support personnel and casualty assist-
22 ance officers to expert case managers and coun-
23 selors.

24 (6) The provision, through a computer acces-
25 sible website and other means and at no cost to sur-

1 survivors and next-of-kin of firefighters or wildland fire
2 support personnel, of personalized, integrated infor-
3 mation on the benefits and financial assistance avail-
4 able to such survivors from the Federal Government.

5 (7) The provision of information to survivors
6 and next-of-kin of firefighters or wildland fire sup-
7 port personnel on mechanisms for registering com-
8 plaints about, or requests for, additional assistance
9 related to casualty assistance.

10 (8) Liaison with the Department of the Inte-
11 rior, the Department of Justice, and the Social Se-
12 curity Administration to ensure prompt and accurate
13 resolution of issues relating to benefits administered
14 by those agencies for survivors of firefighters or
15 wildland fire support personnel.

16 (9) Data collection, in consultation with the
17 United States Fire Administration and the National
18 Institute for Occupational Safety and Health, re-
19 garding the incidence and quality of casualty assist-
20 ance provided to survivors of firefighters or wildland
21 fire support personnel.

22 (c) LINE OF DUTY DEATH BENEFITS.—The Pro-
23 gram shall not affect existing authorities for Line of Duty
24 Death benefits for Federal firefighters and wildland fire
25 support personnel.

1 (d) NEXT-OF-KIN DEFINED.—In this section, the
2 term “next-of-kin” means person or persons in the highest
3 category of priority as determined by the following list
4 (categories appear in descending order of priority):

5 (1) Surviving legal spouse.

6 (2) Children (whether by current or prior mar-
7 riage) age 18 years or older in descending prece-
8 dence by age.

9 (3) Father or mother, unless by court order
10 custody has been vested in another (adoptive parent
11 takes precedence over natural parent);

12 (4) Siblings (whole or half) age 18 years or
13 older in descending precedence by age.

14 (5) Grandfather or grandmother.

15 (6) Any other relative (precedence to be deter-
16 mined in accordance with the civil law of descent of
17 the deceased former member’s State of domicile at
18 time of death).

19 **SEC. 8709. CONTINUING ACCRUAL OF SERVICE FOR FIRE-**
20 **FIGHTERS.**

21 (a) FEDERAL EMPLOYEES’ RETIREMENT SYSTEM.—
22 Section 8401(14) of title 5, United States Code, is amend-
23 ed to read as follows:

24 “(14) the term ‘firefighter’ means—

1 “(A) an employee, the duties of whose po-
2 sition—

3 “(i) are primarily to perform work di-
4 rectly connected with the control and extin-
5 guishment of non-wildland fires; and

6 “(ii) are sufficiently rigorous that em-
7 ployment opportunities should be limited to
8 young and physically vigorous individuals,
9 as determined by the Director considering
10 the recommendations of the employing
11 agency;

12 “(B) an employee, the duties of whose po-
13 sition—

14 “(i) are primarily to perform work di-
15 rectly connected with the control and extin-
16 guishment of wildland fires; and

17 “(ii) are sufficiently rigorous that em-
18 ployment opportunities should be limited to
19 young and physically vigorous individuals,
20 as determined by the Director considering
21 the recommendations of the employing
22 agency;

23 “(C) an employee who—

24 “(i) is transferred directly to a super-
25 visory or administrative position after per-

1 forming duties described in subparagraph
2 (A) for at least 3 years; and

3 “(ii) while serving in such supervisory
4 or administrative position, has no break in
5 service; or

6 “(D) an employee who—

7 “(i) occupies a supervisory or admin-
8 istrative position after performing duties
9 described in subparagraph (B) for not less
10 than 3 years; and

11 “(ii) has not more than 24 months in
12 total time of breaks in service;”.

13 (b) SERVICE BEFORE DATE OF ENACTMENT.—

14 (1) IN GENERAL.—Subject to the requirements
15 under paragraph (2), service performed before the
16 date of enactment of this Act by an individual who,
17 on the date of enactment of this Act, is an employee
18 (as defined in section 8401(11) of title 5, United
19 States Code) shall, for the purposes of chapter 84 of
20 title 5, United States Code, be treated as service
21 performed by a firefighter if—

22 (A) such service was performed during the
23 period beginning on October 1, 2003, and end-
24 ing on the day before the date of enactment of
25 this Act;

1 (B) at the time of performing such serv-
2 ice—

3 (i) the individual did not meet the re-
4 quirements to be a firefighter under sec-
5 tion 8401(14) of title 5, United States
6 Code, because of a break in service; and

7 (ii) would have met the requirements
8 to be a firefighter under section
9 8401(14)(D) of title 5, United States
10 Code, as amended by this subtitle; and

11 (C) appropriate deductions and
12 withholdings under sections 8422 and 8423 of
13 title 5, United States Code, were made during
14 such service.

15 (2) CREDIT FOR SERVICE.—To receive credit
16 for eligible service under paragraph (1), the applica-
17 ble individual shall—

18 (A) before the date on which the individual
19 separates from service in the agency in which
20 the individual holds a position on the date of
21 enactment of this Act, submit a written election
22 to the agency employing the individual;

23 (B) if the individual is not employed by the
24 agency that employed the individual when the
25 service described in paragraph (1) was per-

1 formed, submit a written election to such agen-
2 cy; and

3 (C) remit to the agency that employed the
4 individual when such service was performed the
5 additional amount that would have been de-
6 ducted during the period of prior service under
7 section 8422 of title 5, United States Code,
8 from the pay of the individual if the amend-
9 ments made by subsection (a) had been in ef-
10 fect during the prior service, plus any applicable
11 interest computed under section 8334(e) of title
12 5, United States Code.

13 (3) GOVERNMENT CONTRIBUTIONS.—If an indi-
14 vidual remits payment under paragraph (2)(C) with
15 respect to service described in paragraph (1), the
16 agency that employed the individual when such serv-
17 ice was performed shall remit to the Office of Per-
18 sonnel Management (for deposit in the Treasury of
19 the United States to the credit of the Civil Service
20 Retirement and Disability Fund) the total additional
21 amount of Federal contributions that would have
22 been paid under section 8423 of title 5, United
23 States Code, if the amendments made by subsection
24 (a) had been in effect during the prior service, plus

1 any applicable interest computed in accordance with
2 section 8334(e) of title 5, United States Code.

3 (4) NOTIFICATION AND ASSISTANCE REQUIRE-
4 MENTS.—The Director of the Office of Personnel
5 Management shall—

6 (A) take such action as may be necessary
7 and appropriate to inform individuals entitled
8 to have any service credited under this sub-
9 section, or to have any annuity computed under
10 this subsection, of the entitlement to the credit
11 or computation; and

12 (B) upon request, assist any individual de-
13 scribed in subparagraph (A) in obtaining such
14 information in the possession of the Secretary
15 of Agriculture or the Secretary of the Interior,
16 as applicable, as may be necessary to verify the
17 entitlement of the individual to have any service
18 credited, or to have any annuity computed, pur-
19 suant to this subsection.

20 (5) RULE OF CONSTRUCTION.—Nothing in this
21 section shall be construed to permit or require the
22 making of any contribution to the Thrift Savings
23 Fund that would not otherwise have been permitted
24 or required but for the enactment of this section.

