

119TH CONGRESS
1ST SESSION

S. 135

To amend title 5, United States Code, to provide for special base rates of pay for wildland firefighters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 16, 2025

Mr. PADILLA (for himself, Mr. DAINES, Mr. BARRASSO, Mr. SCHIFF, Mr. SHEEHY, and Mr. HEINRICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend title 5, United States Code, to provide for special base rates of pay for 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.**

4 This Act may be cited as the “Wildland Firefighter
5 Paycheck Protection Act of 2025”.

1 **SEC. 2. SPECIAL BASE RATES OF PAY FOR WILDLAND FIRE-**
 2 **FIGHTERS.**

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

6 **“§ 5332a. Special base rates of pay for wildland fire-**
 7 **fighters**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘firefighter’ means an employee
 10 who—

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

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

22 “(C) in the case of an employee who holds
 23 a supervisory or administrative position and is
 24 subject to chapter 84, but who does not qualify
 25 to be considered a firefighter within the mean-
 26 ing of section 8401(14), would otherwise qualify

1 if the employee had transferred directly to that
 2 position after performing duties described in
 3 section 8401(14)(A) for at least 3 years; or

4 “(D) in the case of an employee who is not
 5 subject to subchapter III of chapter 83 or chap-
 6 ter 84, holds a position that the Office of Per-
 7 sonnel Management determines would satisfy
 8 subparagraph (A), (B), or (C) if the employee
 9 were subject to subchapter III of chapter 83 or
 10 chapter 84;

11 “(2) the term ‘General Schedule base rate’
 12 means an annual rate of basic pay established under
 13 section 5332 before any additions, such as a locality-
 14 based comparability payment under section 5304 or
 15 5304a or a special rate supplement under section
 16 5305;

17 “(3) the term ‘special base rate’ means an an-
 18 nual rate of basic pay payable to a wildland fire-
 19 fighter, before any additions or reductions, that re-
 20 places the General Schedule base rate otherwise ap-
 21 plicable to the wildland firefighter and that is ad-
 22 ministered in the same manner as a General Sched-
 23 ule base rate; and

24 “(4) the term ‘wildland firefighter’ means a
 25 firefighter—

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

3 “(B) the duties of the position of whom re-
4 late primarily to wildland fires, as opposed to
5 structure fires.

6 “(b) SPECIAL BASE RATES OF PAY.—

7 “(1) ENTITLEMENT TO SPECIAL RATE.—Not-
8 withstanding section 5332, a wildland firefighter is
9 entitled to a special base rate at grades 1 through
10 15, which shall—

11 “(A) replace the otherwise applicable Gen-
12 eral Schedule base rate for the wildland fire-
13 fighter;

14 “(B) be basic pay for all purposes, includ-
15 ing the purpose of computing a locality-based
16 comparability payment under section 5304 or
17 5304a; and

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

21 “(2) COMPUTATION.—

22 “(A) IN GENERAL.—The special base rate
23 for a wildland firefighter shall be derived by in-
24 creasing the otherwise applicable General
25 Schedule base rate for the wildland firefighter

by the following applicable percentage for the grade of the wildland firefighter and rounding the result to the nearest whole dollar:

“(i) For GS–1, 42 percent.

“(ii) For GS–2, 39 percent.

“(iii) For GS–3, 36 percent.

“(iv) For GS–4, 33 percent.

“(v) For GS–5, 30 percent.

“(vi) For GS–6, 27 percent.

“(vii) For GS–7, 24 percent.

“(viii) For GS–8, 21 percent.

“(ix) For GS–9, 18 percent.

“(x) For GS–10, 15 percent.

“(xi) For GS–11, 12 percent.

“(xii) For GS–12, 9 percent.

“(xiii) For GS–13, 6 percent.

“(xiv) For GS–14, 3 percent.

“(xv) For GS–15, 1.5 percent.

“(B) HOURLY, DAILY, WEEKLY, OR BI-WEEKLY RATES.—When the special base rate with respect to a wildland firefighter is expressed as an hourly, daily, weekly, or biweekly rate, the special base rate shall be computed from the appropriate annual rate of basic pay

1 derived under subparagraph (A) in accordance
2 with the rules under section 5504(b).”.

3 (b) CLERICAL AMENDMENT.—The table of sections
4 for subchapter III of chapter 53 of title 5, United States
5 Code, is amended by inserting after the item relating to
6 section 5332 the following:

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

7 (c) PREVAILING RATE EMPLOYEES.—Section 5343
8 of title 5, United States Code, is amended by adding at
9 the end the following:

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

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

23 “(3) An increase under this subsection may not cause
24 the wage rate of an employee to increase to a rate that

1 would produce an annualized rate in excess of the annual
 2 rate for level IV of the Executive Schedule.”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
 4 this section shall take effect on the first day of the first
 5 applicable pay period beginning after the last day of the
 6 last pay period for which Federal wildland firefighter tem-
 7 porary salary increases were in effect, as originally author-
 8 ized under section 40803(d)(4)(B) of the Infrastructure
 9 Investment and Jobs Act (16 U.S.C. 6592(d)(4)(B)) and
 10 as extended under the Consolidated Appropriations Act,
 11 2024 (Public Law 118–42; 138 Stat. 25), the Continuing
 12 Appropriations Act, 2025 (division A of Public Law 118–
 13 83; 138 Stat. 1524), and the Further Continuing Appro-
 14 priations Act, 2025 (division A of Public Law 118–158).

15 **SEC. 3. WILDLAND FIRE INCIDENT RESPONSE PREMIUM**
 16 **PAY.**

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

20 **“§ 5545c. Incident response premium pay for employ-**
 21 **ees engaged in wildland firefighting**

22 “(a) **DEFINITIONS.**—In this section—

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

1 “(A) the Committee on Homeland Security
2 and Governmental Affairs of the Senate;

3 “(B) the Committee on Energy and Nat-
4 ural Resources of the Senate;

5 “(C) the Committee on Agriculture, Nutri-
6 tion, and Forestry of the Senate;

7 “(D) the Committee on Appropriations of
8 the Senate;

9 “(E) the Committee on Oversight and Ac-
10 countability of the House of Representatives;

11 “(F) the Committee on Agriculture of the
12 House of Representatives;

13 “(G) the Committee on Natural Resources
14 of the House of Representatives; and

15 “(H) the Committee on Appropriations of
16 the House of Representatives;

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

20 “(A) a wildland firefighter, as defined in
21 section 5332a(a); or

22 “(B) certified by the applicable agency to
23 perform wildland fire incident-related duties
24 during the period that employee is deployed to
25 respond to a qualifying incident;

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

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

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

9 “(A) means—

10 “(i) a wildfire incident, a prescribed
 11 fire incident, or a severity incident; or

12 “(ii) an incident that the Secretary of
 13 Agriculture or the Secretary of the Interior
 14 determines is similar in nature to an inci-
 15 dent described in clause (i); and

16 “(B) does not include an initial response
 17 (including an initial attack fire) in which a
 18 wildfire is contained within 36 hours; and

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

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

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

3 “(2) the deployment described in paragraph (1)
4 is—

5 “(A) outside of the official duty station of
6 the covered employee; or

7 “(B) within the official duty station of the
8 covered employee and the covered employee is
9 assigned to an incident-adjacent fire camp or
10 other designated field location.

11 “(c) ENTITLEMENT TO INCIDENT RESPONSE PRE-
12 MIUM PAY.—

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

18 “(2) COMPUTATION.—

19 “(A) FORMULA.—Subject to subpara-
20 graphs (B) and (C), premium pay under para-
21 graph (1) shall be paid to a covered employee
22 at a daily rate of 450 percent of the hourly rate
23 of basic pay of the covered employee for each
24 day that the covered employee satisfies the re-

quirements under subsection (b), rounded to the nearest whole cent.

“(B) LIMITATION.—Premium pay under this subsection—

“(i) with respect to a covered employee for whom the annual rate of basic pay is greater than that for step 10 of GS–10, shall be paid at the daily rate established under subparagraph (A) for the applicable rate for step 10 of GS–10 (where the applicable rate is the rate in effect in the same locality that is the basis for a locality-based comparability payment payable to the covered employee under section 5304); and

“(ii) may not be paid to a covered employee in a total amount that exceeds \$9,000 in any calendar year.

“(C) ADJUSTMENTS.—

“(i) ASSESSMENT.—The Secretary of Agriculture and the Secretary of the Interior shall assess the difference between the average total amount of compensation that was paid to covered employees, by grade, in fiscal years 2023 and 2024.

1 “(ii) REPORT.—Not later than 180
2 days after the date that is 1 year after the
3 effective date of this section, the Secretary
4 of Agriculture and the Secretary of the In-
5 terior shall jointly publish a report on the
6 results of the assessment conducted under
7 clause (i).

8 “(iii) ADMINISTRATIVE ACTIONS.—
9 After publishing the report required under
10 clause (ii), the Secretary of Agriculture
11 and the Secretary of the Interior, in con-
12 sultation with the Director of the Office of
13 Personnel Management, may, in the sole
14 and exclusive discretion of the Secretaries
15 acting jointly, administratively adjust the
16 amount of premium pay paid under this
17 subsection (or take other administrative
18 action) to ensure that the average annual
19 amount of total compensation paid to cov-
20 ered employees, by grade, is more con-
21 sistent with such amount that was paid to
22 those employees in fiscal year 2023.

23 “(iv) CONGRESSIONAL NOTIFICA-
24 TION.—Not later than 3 days after an ad-
25 justment made, or other administrative ac-

1 tion taken, under clause (iii) becomes final,
 2 the Secretary of Agriculture and the Sec-
 3 retary of the Interior shall jointly submit
 4 to the appropriate committees of Congress
 5 a notification regarding that adjustment or
 6 other administrative action, as applicable.

7 “(d) TREATMENT OF INCIDENT RESPONSE PREMIUM
 8 PAY.—Incident response premium pay under this sec-
 9 tion—

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

12 “(2) may not be considered in determining the
 13 lump-sum payment of a covered employee for accu-
 14 mulated and accrued annual leave under section
 15 5551 or section 5552;

16 “(3) may not be used in determining pay under
 17 section 8114;

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

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

1 (b) ADDITIONAL PREMIUM PAY AMENDMENTS.—
 2 Subchapter V of chapter 55 of title 5, United States Code,
 3 is amended—

4 (1) in section 5544—

5 (A) by amending the section heading to
 6 read as follows: “**WAGE-BOARD OVERTIME,**
 7 **SUNDAY RATES, AND OTHER PREMIUM**
 8 **PAY**”; and

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

10 “(d) A prevailing rate employee described in section
 11 5342(a)(2)(A) shall receive incident response premium
 12 pay under the same terms and conditions that apply to
 13 a covered employee under section 5545c if that em-
 14 ployee—

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

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

19 “(B) is certified by the applicable agency to
 20 perform wildland fire incident-related duties during
 21 the period the employee is deployed to respond to a
 22 qualifying incident (as defined in section
 23 5545c(a)).”; and

1 (2) in section 5547(a), in the matter preceding
 2 paragraph (1), by inserting “5545c,” after
 3 “5545a,”.

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

7 (1) by amending the item relating to section
 8 5544 to read as follows:

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

9 and

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

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

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 after the last day of the
 15 last pay period for which Federal wildland firefighter tem-
 16 porary salary increases were in effect, as originally author-
 17 ized under section 40803(d)(4)(B) of the Infrastructure
 18 Investment and Jobs Act (16 U.S.C. 6592(d)(4)(B)) and
 19 as extended under the Consolidated Appropriations Act,
 20 2024 (Public Law 118–42; 138 Stat. 25), the Continuing
 21 Appropriations Act, 2025 (division A of Public Law 118–
 22 83; 138 Stat. 1524), and the Further Continuing Appro-
 23 priations Act, 2025 (division A of Public Law 118–158).

1 **SEC. 4. REST AND RECUPERATION LEAVE FOR EMPLOYEES**
 2 **ENGAGED IN WILDLAND FIREFIGHTING.**

3 (a) IN GENERAL.—Subchapter II of chapter 63 of
 4 title 5, United States Code, is amended by adding at the
 5 end the following:

6 **“§ 6329e. Rest and recuperation leave for employees**
 7 **engaged in wildland firefighting**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘applicable Secretary’ means the
 10 Secretary of Agriculture or the Secretary of the In-
 11 terior, as applicable to a covered employee;

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

15 “(A) qualifies as a wildland firefighter
 16 based on the definitions of the terms ‘fire-
 17 fighter’ and ‘wildland firefighter’ in section
 18 5332a(a) (applying the definition of ‘employee’
 19 in section 6301(2) in lieu of the definition of
 20 ‘employee’ in section 5331(a)); or

21 “(B) is certified by the applicable Sec-
 22 retary to perform wildland fire incident-related
 23 duties during the period the employee is de-
 24 ployed to respond to a qualifying incident; and

25 “(3) the term ‘qualifying incident’ has the
 26 meaning given the term in section 5545c(a).

1 “(b) REST AND RECUPERATION LEAVE.—

2 “(1) IN GENERAL.—A covered employee may
3 receive paid rest and recuperation leave following the
4 completion of service in which the covered employee
5 is deployed to respond to a qualifying incident, sub-
6 ject to the policies prescribed under this subsection.

7 “(2) PRESCRIPTION OF POLICIES.—The Sec-
8 retary of Agriculture and the Secretary of the Inte-
9 rior shall, in the sole and exclusive discretion of the
10 Secretaries acting jointly, prescribe uniform policies
11 described in paragraph (1) after consulting with the
12 other applicable Secretary.

13 “(3) CONTENT OF POLICIES.—The policies pre-
14 scribed under paragraph (2) may include—

15 “(A) a maximum period of days in which
16 a covered employee is deployed to respond to a
17 qualifying incident, which shall—

18 “(i) begin on the date on which the
19 covered employee departs from the official
20 duty station of the covered employee and
21 end on the date on which the covered em-
22 ployee returns to the official duty station
23 of the covered employee; and

1 “(ii) be followed by a minimum num-
 2 ber of days of rest and recuperation for the
 3 covered employee; or

4 “(B) a requirement that prohibits a cov-
 5 ered employee from working more than 16
 6 hours per day on average over a 14-day period
 7 during which the covered employee is deployed
 8 to respond to a qualifying incident.

9 “(c) USE OF LEAVE.—

10 “(1) IN GENERAL.—Rest and recuperation
 11 leave granted under this section—

12 “(A) shall be used during scheduled hours
 13 within the tour of duty of the applicable covered
 14 employee established for leave-charging pur-
 15 poses;

16 “(B) shall be paid in the same manner as
 17 annual leave;

18 “(C) shall be used immediately after a
 19 qualifying incident; and

20 “(D) may not be set aside for later use.

21 “(2) NO PAYMENT.—A covered employee may
 22 not receive any payment for unused rest and recu-
 23 peration leave granted under this section.

24 “(d) INTERMITTENT WORK SCHEDULE.—A covered
 25 employee with an intermittent work schedule—

1 “(1) shall be excused from duty during the
 2 same period of time that other covered employees in
 3 the same circumstances are entitled to rest and re-
 4 cuperation leave; and

5 “(2) shall receive a payment as if the covered
 6 employee were entitled to rest and recuperation leave
 7 under subsection (b).”.

8 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 9 The table of sections for subchapter II of chapter 63 of
 10 title 5, United States Code, is amended by inserting after
 11 the item relating to section 6329d the following:

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

12 **SEC. 5. TRANSFER AUTHORITY.**

13 Notwithstanding section 40803(c)(2) of the Infra-
 14 structure Investment and Jobs Act (16 U.S.C.
 15 6592(c)(2)), not more than \$5,000,000 of the unobligated
 16 balances of amounts made available under the heading
 17 “WILDLAND FIRE MANAGEMENT” under the heading
 18 “FOREST SERVICE” under the heading “DEPARTMENT
 19 OF AGRICULTURE” in title VI of division J of that Act
 20 (Public Law 117–58; 135 Stat. 1410) pursuant to section
 21 40803(c)(2)(B) of that Act (16 U.S.C. 6592(c)(2)(B))
 22 may, as necessary to continue uninterrupted the Federal
 23 wildland firefighter base salary increase described in sec-
 24 tion 40803(d)(4)(B) of that Act (16 U.S.C.

1 6592(d)(4)(B)), be transferred to and merged with the
2 amounts made available under the heading “WILDLAND
3 FIRE MANAGEMENT” under the heading “DEPARTMENT-
4 WIDE PROGRAMS” under the heading “DEPARTMENT
5 OF THE INTERIOR” in title VI of division J of that
6 Act (Public Law 117–58; 135 Stat. 1393).

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