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(Original Signature of Member)

119TH CONGRESS  
2D SESSION

# H. R.

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To amend title 5, United States Code, to provide rest and recuperation leave for employees engaged in wildland firefighting, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

Mr. PANETTA introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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# A BILL

To amend title 5, United States Code, to provide rest and recuperation leave for employees engaged in wildland firefighting, 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 “Support our Fire-  
5 fighters Act”.

1 **SEC. 2. 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;

4                   “(B) a requirement to use 3 days of rest  
5                   and recuperation leave after a 14-day period  
6                   during which the covered employee is deployed  
7                   to respond to a qualifying incident, excluding  
8                   travel to and from assignments; or

9                   “(C) a requirement to use 4 days of rest  
10                  and recuperation leave after a 21-day period  
11                  during which the covered employee is deployed  
12                  to respond to a qualifying incident, including  
13                  travel to and from assignments.

14               “(c) USE OF LEAVE.—

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

17               “(A) shall be used during scheduled hours  
18               within the tour of duty of the applicable covered  
19               employee established for leave-charging pur-  
20               poses;

21               “(B) shall be paid in the same manner as  
22               annual leave;

23               “(C) shall be used immediately after a  
24               qualifying incident; and

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

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

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

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

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

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

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

17           **SEC. 3. TRANSFER AUTHORITY.**

18           Notwithstanding section 40803(c)(2) of the Infra-  
19           structure Investment and Jobs Act (16 U.S.C.  
20           6592(c)(2)), not more than \$5,000,000 of the unobligated  
21           balances of amounts made available under the heading  
22           “WILDLAND FIRE MANAGEMENT” under the heading  
23           “FOREST SERVICE” under the heading “DEPARTMENT  
24           OF AGRICULTURE” in title VI of division J of that Act

1 (Public Law 117–58; 135 Stat. 1410) pursuant to section  
2 40803(c)(2)(B) of that Act (16 U.S.C. 6592(c)(2)(B))  
3 may, as necessary to continue uninterrupted the Federal  
4 wildland firefighter base salary increase described in sec-  
5 tion 40803(d)(4)(B) of that Act (16 U.S.C.  
6 6592(d)(4)(B)), including premium pay authorized under  
7 section 1701 of the Extending Government Funding and  
8 Delivering Emergency Assistance Act (5 U.S.C. 5547  
9 note) (as amended by this Act), be transferred to and  
10 merged with the amounts made available under the head-  
11 ing “WILDLAND FIRE MANAGEMENT” under the heading  
12 “DEPARTMENT-WIDE PROGRAMS” under the heading  
13 “DEPARTMENT OF THE INTERIOR” in title VI of  
14 division J of that Act (Public Law 117–58; 135 Stat.  
15 1393).

16 **SEC. 4. WAIVER OF OVERTIME CAPS FOR WILDLAND FIRE-**  
17 **FIGHTERS.**

18 Section 1701 of the Extending Government Funding  
19 and Delivering Emergency Assistance Act (5 U.S.C. 5547  
20 note) is amended—

21 (1) in subsection (a)(1)—

22 (A) in the first sentence, by striking “or  
23 2022 or 2023 or 2024” and inserting “or any  
24 calendar year thereafter”; and

25 (B) in the second sentence—

1 (i) by striking “Services” and insert-  
2 ing “services”; and

3 (ii) by striking “subsection” and in-  
4 serting “subsection.”;

5 (2) in subsection (b), by striking “2021 or 2022  
6 or 2023 or 2024” and inserting “the applicable cal-  
7 endar year”; and

8 (3) in subsection (c), by striking “2021 or 2022  
9 or 2023 or 2024” and inserting “the applicable cal-  
10 endar year”.