

114TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To amend title 5, United States Code, to ensure that certain firefighters and law enforcement officers retain retirement benefits while injured or disabled, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. DAINES introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To amend title 5, United States Code, to ensure that certain firefighters and law enforcement officers retain retirement benefits while injured or disabled, 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 Retirement and Disability Compensation Benefits Act of  
6 2016”.

1 **SEC. 2. CIVIL SERVICE RETENTION RIGHTS.**

2 Section 8151 of title 5, United States Code, is  
3 amended by striking subsection (b) and inserting the fol-  
4 lowing:

5 “(b) REGULATIONS.—

6 “(1) DEFINITIONS.—In this subsection—

7 “(A) the term ‘covered employee’ means an  
8 employee who—

9 “(i) held a position with the Forest  
10 Service or the Department of the Interior  
11 as a wildland firefighter or law enforce-  
12 ment officer; and

13 “(ii) sustained an injury while in the  
14 performance of duty, as determined by the  
15 Director of the Office of Personnel Man-  
16 agement, that prevents the employee from  
17 performing the physical duties of a fire-  
18 fighter or law enforcement officer, as appli-  
19 cable;

20 “(B) ‘equivalent position’ includes a posi-  
21 tion for a covered employee that allows the cov-  
22 ered employee to—

23 “(i) receive the same retirement bene-  
24 fits under subchapter III of chapter 83 or  
25 chapter 84 that the covered employee  
26 would receive in the former position had

1 the covered employee not been injured or  
2 disabled; and

3 “(ii) does not require the covered em-  
4 ployee to complete any more years of serv-  
5 ices that the covered employee would be re-  
6 quired to complete to receive the benefits  
7 described in clause (i) had the covered em-  
8 ployee not been injured or disabled; and

9 “(C) the terms ‘firefighter’ and ‘law en-  
10 forcement officer’ have the meanings given the  
11 terms in section 8331.

12 “(2) REGULATIONS.—Under regulations issued  
13 by the Office of Personnel Management—

14 “(A) the department or agency which was  
15 the last employer shall immediately and uncon-  
16 ditionally accord the employee, if the injury or  
17 disability has been overcome within 1 year after  
18 the date of commencement of compensation or  
19 from the time compensable disability recurs if  
20 the recurrence begins after the injured em-  
21 ployee resumes regular full-time employment  
22 with the United States, the right to resume the  
23 former or an equivalent position of the em-  
24 ployee, as well as all other attendant rights  
25 which the employee would have had, or ac-

1           quired, in the former position of the employee  
2           had the employee not been injured or disabled,  
3           including the rights to tenure, promotion, and  
4           safeguards in reductions-in-force procedures;  
5           and

6           “(B) the department or agency which was  
7           the last employer shall, if the injury or dis-  
8           ability is overcome within a period of more than  
9           1 year after the date of commencement of com-  
10          pensation, make all reasonable efforts to place,  
11          and accord priority to placing, the employee in  
12          the former or equivalent position of the em-  
13          ployee within such department or agency, or  
14          within any other department or agency.”.

15 **SEC. 3. COMPUTATION OF PAY.**

16          (a) COMPENSATION FOR WORK INJURIES.—Section  
17 8114 of title 5, United States Code, is amended by strik-  
18 ing subsection (e) and inserting the following:

19          “(e) OVERTIME.—

20                 “(1) DEFINITIONS.—In this subsection, the  
21 term ‘covered overtime pay’ means pay received by  
22 an employee who holds a position with the Forest  
23 Service or the Department of the Interior as a  
24 wildland firefighter while engaged in wildland fire  
25 suppression activity.

1           “(2) OVERTIME.—The value of subsistence and  
2 quarters, and of any other form of remuneration in  
3 kind for services if its value can be estimated in  
4 money, and covered overtime pay and premium pay  
5 under section 5545(c)(1) of this title are included as  
6 part of the pay, but account is not taken of—

7                   “(A) overtime pay;

8                   “(B) additional pay or allowance author-  
9 ized outside the United States because of dif-  
10 ferential in cost of living or other special cir-  
11 cumstances; or

12                   “(C) bonus or premium pay for extraor-  
13 dinary service including bonus or pay for par-  
14 ticularly hazardous service in time of war.”.