

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To provide sufficient staffing and resources within the Forest Service for wildfire response.

**IN THE SENATE OF THE UNITED STATES—119th Cong., 1st Sess.**

**S. 1462**

To improve forest management activities on National Forest System land, public land under the jurisdiction of the Bureau of Land Management, and Tribal land to return resilience to overgrown, fire-prone forested land, and for other purposes.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. BENNET to the amendment (No. \_\_\_\_\_) proposed by \_\_\_\_\_

Viz:

1 At the end, add the following:

2 **TITLE V—RETENTION OF FIRE**  
3 **PERSONNEL AND SERVICES**  
4 **WITHIN THE FOREST SERV-**  
5 **ICE**

6 **SEC. 501. RETENTION OF FIRE SERVICES CAPACITY.**

7 (a) IN GENERAL.—The Secretary shall not carry out  
8 any Department of Agriculture restructuring, workforce  
9 adjustments, or consolidation of agencies that diminishes

1 the capacity of the Forest Service to carry out wildfire  
2 response, fuels management, prescribed fire, and other  
3 fire-related land management activities until the date on  
4 which Congress—

5 (1) receives the report required under section  
6 304; and

7 (2) after receiving that report, enacts legislation  
8 that establishes a new Federal agency with responsi-  
9 bility for responding to, and suppressing, wildfires  
10 on Federal land.

11 (b) PRIORITY.—The Secretary, acting through the  
12 Chief of the Forest Service, shall prioritize the continuity  
13 of fire services necessary to meet public safety, resource  
14 protection, and forest health objectives.

15 **SEC. 502. PROHIBITION ON PERSONNEL ACTIONS AGAINST**  
16 **FIRE-QUALIFIED FEDERAL EMPLOYEES.**

17 (a) DEFINITION OF COVERED FEDERAL EM-  
18 PLOYEE.—In this section, the term “covered Federal em-  
19 ployee” means an employee (as defined in section 2105  
20 of title 5, United States Code) holding, or eligible for re-  
21 newal of, a valid incident qualification card issued through  
22 the Incident Qualifications and Certification System es-  
23 tablished by the National Wildfire Coordinating Group  
24 (commonly referred to as a “red card”).

1 (b) PROHIBITION ON ADVERSE PERSONNEL AC-  
2 TIONS.—Notwithstanding any other provision of law, no  
3 adverse action under chapter 75 of title 5, United States  
4 Code, may be taken against any covered Federal employee  
5 due to a reduction in force, organizational restructuring,  
6 or budget constraints.

7 (c) INELIGIBILITY FOR EARLY RETIREMENT OR DE-  
8 FERRED RESIGNATION.—Notwithstanding any other pro-  
9 vision of law, no covered Federal employee shall be eligible  
10 for any voluntary early retirement or deferred resignation  
11 program under any provision of law, including sections  
12 8336(d)(2)(D) and 8414(b)(1)(B) of title 5, United States  
13 Code.

14 **SEC. 503. SPECIAL HIRING AUTHORITY FOR FIRE-QUALI-**  
15 **FIED FORMER EMPLOYEES.**

16 (a) DEFINITION OF COVERED POSITION.—In this  
17 section, the term “covered position” means any of the fol-  
18 lowing positions under the position classification system  
19 carried out by the Office of Personnel Management:

20 (1) Aviation Safety Inspector—Airworthiness  
21 and Avionics, 1825 series.

22 (2) Aviation Officer (all titles), 2101 series.

23 (3) Aircraft Operations (all titles), 2181 series.

24 (4) Aircraft Mechanic, 8852 series.

- 1           (5) Equipment Specialist, Aircraft and Fire,  
2           1670 series.
- 3           (6) Fire Chemicals Program Manager, 0301 se-  
4           ries.
- 5           (7) Fire Training Specialist, 0301 series.
- 6           (8) All Firefighter Retirement Covered Posi-  
7           tions, 0301 series.
- 8           (9) All Firefighter Retirement Covered Posi-  
9           tions, 0401 series.
- 10          (10) Wildland Firefighter, 0456 series.
- 11          (11) Wildland Firefighter, Forestry Technician  
12          (all Firefighter Retirement Covered Positions), 0462  
13          series.
- 14          (12) Fire Engineering Equipment Operator,  
15          5716 series.
- 16          (13) Incident Business Management Specialist,  
17          0301 series.
- 18          (14) Electronics Technicians, 0856 series.
- 19          (15) Dispatcher, 2151 series.
- 20          (16) Animal Packer, 5001 series.
- 21          (17) Packer, 7002 series.
- 22          (18) Laborer, 3502 series.
- 23          (19) Supply Management Specialist, 2003 se-  
24          ries.
- 25          (b) SPECIAL HIRING AUTHORITY.—

1           (1) ESTABLISHMENT.—The Secretary shall es-  
2           tablish a program to facilitate the employment of in-  
3           dividuals described in paragraph (3) using the au-  
4           thority under paragraph (2).

5           (2) AUTHORITY.—Notwithstanding any other  
6           provision of law, an individual described in para-  
7           graph (3) shall be eligible for noncompetitive ap-  
8           pointment to a covered position.

9           (3) INDIVIDUALS DESCRIBED.—An individual  
10          described in this paragraph is an individual who—

11                (A) was employed in a covered position be-  
12                fore separation from Federal service on or after  
13                January 20, 2025, due to the mass removal of  
14                probationary employees, participation in a vol-  
15                untary early retirement or deferred resignation  
16                program, or a reduction in force; and

17                (B) otherwise remains qualified and avail-  
18                able for employment in a covered position.

19          (c) REQUIREMENT.—Not later than January 1,  
20          2026, the Secretary shall ensure that the Department of  
21          Agriculture employs a number of personnel in covered po-  
22          sitions that is not fewer than the number of those per-  
23          sonnel employed on January 19, 2025, unless the Sec-  
24          retary—

1           (1) determines that a fewer number of those  
2           personnel is appropriate based on current oper-  
3           ational needs; and

4           (2) provides a written justification to the rel-  
5           evant congressional committees.

6 **SEC. 504. REPORTING REQUIREMENT.**

7           Not later than 180 days after the date of enactment  
8           of this Act, and annually thereafter for 3 years, the Sec-  
9           retary shall submit to the Committee on Agriculture, Nu-  
10          trition, and Forestry and the Committee on Energy and  
11          Natural Resources of the Senate and the Committee on  
12          Agriculture and the Committee on Natural Resources of  
13          the House of Representatives a report that—

14           (1) describes the number of Federal employees  
15           retained, separated, and rehired under this title; and

16           (2) disaggregates the information described  
17           under paragraph (1) by agency, region, and fire  
18           qualification type.