

CONGRESS  
1ST SESSION

# H.R.8

To support those that defend the United States of America, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER, 2023

Representative Randolious (for the TC Administration) introduced the following bill  
**on behalf of the TC administration**

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## AN ACT

To support those that defend the United States of America, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of  
America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the “American Defenders Support Act”

### SEC. 2. SUPPORTING U.S. CUSTOMS AND BORDER PROTECTION PERSONNEL.

- (a) Not later than October 30, 2025, the Commissioner of U.S Customs and Border Protection Personnel shall hire and train an additional 3,000 full-time equivalent front-line Border Patrol agents to be deployed at the United States Southern Border.
- (b) The Commissioner shall provide a retention bonus of \$5,160.27 to any front-line U.S. Border Patrol law enforcement agent—
  - (i) whose position is equal to or below level GS-12 of the General Schedule;
  - (ii) who has three years or more of service with the U.S. Border Patrol;and

- (iii) who commits to two years of additional service with the U.S. Border Patrol upon acceptance of such bonus.

### **SEC. 3. PROTECTING AMERICANS FROM FENTANYL**

- (a) Schedule I of section 202(c) of the Controlled Substances Act (21 U.S.C. 812(c)) is amended by adding at the end the following: (i) “Fentanyl-related substances, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers. (ii) “For purposes of paragraph (1), the term ‘fentanyl-related substance’ means any substance that— (1) “is not listed in another schedule; (2) “has not been approved under section 505 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355) or granted an exemption for investigational use under subsection (i) of such section 505; and (3) is structurally related to fentanyl by— a) “replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle; b) “substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino, or nitro groups; c) “substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino, or nitro groups; d) “replacement of the aniline ring with any aromatic monocycle, whether or not further substituted in or on the aromatic monocycle; or e) “replacement of the N-propionyl group by another acyl group.”.
- (b) Congress finds that international trafficking of fentanyl, fentanyl precursors, or other related opioids constitutes an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, and is a national emergency. It shall therefore be the policy of the United States to apply economic and other financial sanctions to those who engage in the trafficking of fentanyl, fentanyl precursors, or other related opioids to protect the national security, foreign policy, and economy of the United States.

### **SEC. 4. SUPPORTING AMERICA’S TROOPS**

- (a) Not later than 30 days after the enactment of this Act, the rate of basic pay for a member of the Armed Forces under section 203 of title 37, United States Code, shall equal or exceed \$40,200.

### **SEC. 5. SUPPORTING AMERICA’S FIRST RESPONDERS**

- (a) Subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after section 5332 the following:
  - “§ 5332a. Special base rates of pay for wildland firefighters “(a) Definitions.—In this section— “(1) the term ‘firefighter’ means an

employee who— “(A) is a firefighter within the meaning of section 8331(21) or section 8401(14); “(B) in the case of an employee who holds a supervisory or administrative position and is subject to subchapter III of chapter 83, but who does not qualify to be considered a firefighter within the meaning of section 8331(21), would otherwise qualify if the employee had transferred directly to that position after serving as a firefighter within the meaning of that section; “(C) in the case of an employee who holds a supervisory or administrative position and is subject to chapter 84, but who does not qualify to be considered a firefighter within the meaning of section 8401(14), would otherwise qualify if the employee had transferred directly to that position after performing duties described in section 8401(14)(A) for at least 3 years; or “(D) in the case of an employee who is not subject to subchapter III of chapter 83 or chapter 84, holds a position that the Office of Personnel Management determines would satisfy subparagraph (A), (B), or (C) if the employee were subject to subchapter III of chapter 83 or chapter 84;

“(2) the term ‘General Schedule base rate’ means an annual rate of basic pay established under section 5332 before any additions, such as a locality-based comparability payment under section 5304 or 5304a or a special rate supplement under section 5305; “(3) the term ‘special base rate’ means an annual rate of basic pay payable to a wildland firefighter, before any additions or reductions, that replaces the General Schedule base rate otherwise applicable to the wildland firefighter and that is administered in the same manner as a General Schedule base rate; and “(4) the term ‘wildland firefighter’ means a firefighter— “(A) who is employed by the Forest Service or the Department of the Interior; and “(B) the duties of the position of whom primarily relate to fires occurring in forests, range lands, or other wildlands, as opposed to structural fires.

“(b) Special Base Rates Of Pay.— “(1) ENTITLEMENT TO SPECIAL RATE.—Notwithstanding section 5332, a wildland firefighter is entitled to a special base rate at grades 1 through 15, which shall— “(A) replace the otherwise applicable General Schedule base rate for the wildland firefighter; “(B) be basic pay for all purposes, including the purpose of computing a locality-based comparability payment under section 5304 or 5304a; and “(C) be computed as described in

paragraph (2) and adjusted at the time of adjustments in the General Schedule. “(2) COMPUTATION.— “(A) IN GENERAL.—The special base rate for a wildland firefighter shall be derived by increasing the otherwise applicable General 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 BIWEEKLY 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 derived under subparagraph (A) in accordance with the rules under section 5504(b).”.

(b) Clerical Amendment.—The table of sections for subchapter III of chapter 53 of title 5, United States Code, is amended by inserting after the item relating to section 5332 the following: “5332a. Special base rates of pay for wildland firefighters.”.

(c) Prevailing Rate Employees.—Section 5343 of title 5, United States Code, is amended by adding at the end the following:

“(g) (1) For a prevailing rate employee described in section 5342(a)(2)(A) who is a wildland firefighter, as defined in section 5332a(a), the Secretary of Agriculture or the Secretary of the Interior (as applicable) shall increase the wage rates of that employee by an amount (determined at the sole and exclusive discretion of the applicable Secretary after consultation with the other Secretary) that is generally consistent with the percentage increases given to wildland firefighters in the General Schedule under section 5332a.

“(2) An increased wage rate under paragraph (1) shall be basic pay for the same purposes as the wage rate otherwise established under this section. “(3) An increase under this subsection may not cause the wage rate of an employee to increase to a rate that would produce an annualized rate in excess of the annual rate for level IV of the Executive Schedule.”.

- (b) In General.—Subchapter II of chapter 63 of title 5, United States Code, is amended by adding at the end the following:

“(a) Definitions.—In this section— “(1) the term ‘applicable Secretary’ means the Secretary of Agriculture or the Secretary of the Interior, as applicable to a covered employee; “(2) the term ‘covered employee’ means an employee of the Forest Service or the Department of the Interior who— “(A) qualifies as a wildland firefighter based on the definitions of the terms ‘firefighter’ and ‘wildland firefighter’ in section 5332a(a) (applying the definition of ‘employee’ in section 6301(2) in lieu of the definition of ‘employee’ in section 5331(a)); or “(B) is certified by the applicable Secretary to perform wildland fire incident-related duties during the period the employee is deployed to respond to a qualifying incident; and “(3) the term ‘qualifying incident’ has the meaning given the term in section 5545c(a). “(b) Rest And Recuperation Leave.— “(1) IN GENERAL.—A covered employee may receive paid rest and recuperation leave following the completion of service in which the covered employee is deployed to respond to a qualifying incident, subject to the policies prescribed under this subsection. “(2) PRESCRIPTION OF POLICIES.—The Secretary of Agriculture and the Secretary of the Interior shall prescribe uniform policies described in paragraph (1) after consulting with the other applicable Secretary. “(3) CONTENT OF POLICIES.—The policies prescribed under paragraph (2) may include— “(A) a maximum period of days in which a covered employee is deployed to respond to a qualifying incident, which shall— “(i) begin on the date on which the covered employee departs from the official duty station of the covered employee and end on the date on which the covered employee returns to the official duty station of the covered employee; and “(ii) be followed by a minimum number of days of rest and recuperation for the covered employee; or “(B) a requirement that prohibits a covered employee from working more than 16 hours per day on average over a 14-day period during which the covered employee is deployed to respond to a qualifying incident. “(c) Use Of Leave.— “(1) IN GENERAL.—Rest and recuperation leave granted under this section— “(A) shall be used during scheduled hours within the tour of duty of the applicable covered employee established for leave-charging purposes; “(B) shall be paid in the same manner as annual leave; “(C) shall be used immediately after a qualifying incident; and “(D) may not be set aside for later use. “(d) Intermittent Work Schedule.—A covered employee with an intermittent work schedule— “(1) shall be excused from duty during the same period of

time that other covered employees in the same circumstances are entitled to rest and recuperation leave; and “(2) shall receive a payment as if the covered employee were entitled to rest and recuperation leave under subsection (b).”.

- (c) Subchapter V of chapter 55 of title 5, United States Code, is amended by inserting after section 5545b the following:

“§ 5545c. Incident response premium pay for employees engaged in wildland firefighting “(a) Definitions.—In this section— “(1) the term ‘covered employee’ means an employee of the Forest Service or the Department of the Interior who is— “(A) a wildland firefighter, as defined in section 5332a(a); or “(B) certified by the applicable agency to perform wildland fire incident-related duties during the period that employee is deployed to respond to a qualifying incident; “(3) the term ‘incident response premium pay’ means pay to which a covered employee is entitled under subsection (c); “(4) the term ‘prescribed fire incident’ means a wildland fire originating from a planned ignition in accordance with applicable laws, policies, and regulations to meet specific objectives; “(5) the term ‘qualifying incident’— “(A) means— “(i) a wildfire incident, a prescribed fire incident, or a severity incident; or “(ii) an incident that the Secretary of Agriculture or the Secretary of the Interior determines is similar in nature to an incident described in clause (i); and “(B) does not include an initial response incident that is contained within 36 hours; and “(6) the term ‘severity incident’ means an incident in which a covered employee is pre-positioned in an area in which conditions indicate there is a high risk of wildfires. “(b) Eligibility.—A covered employee is eligible for incident response premium pay under this section if— “(1) the covered employee is deployed to respond to a qualifying incident; and “(2) the deployment described in paragraph (1) is— “(A) outside of the official duty station of the covered employee; or “(B) within the official duty station of the covered employee and the covered employee is assigned to an incident-adjacent fire camp or other designated field location. “(c) Entitlement To Incident Response Premium Pay.— “(1) IN GENERAL.—A covered employee who satisfies the conditions under subsection (b) is entitled to premium pay for the period in which the covered employee is deployed to respond to the applicable qualifying incident. “(2) COMPUTATION.— “(A) FORMULA.—Subject to subparagraphs (B) and (C), premium pay

under paragraph (1) shall be paid to a covered employee at a daily rate of 450 percent of the hourly rate of basic pay of the covered employee for each day that the covered employee satisfies the requirements under subsection (b), rounded to the nearest whole cent.

“(B) LIMITATION.—Premium pay under this subsection may not be paid— “(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, at a daily rate that exceeds the daily rate established under subparagraph (A) for step 10 of GS–10; or “(ii) 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. “(ii) REPORT.—Not later than 180 days after the date that is 1 year after the effective date of this section, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish a report on the results of the assessment conducted under clause (i). “(iii) ADMINISTRATIVE ACTIONS.—After publishing the report required under clause (ii), the Secretary of Agriculture and the Secretary of the Interior, in consultation with the Director of the Office of Personnel Management, may, in the sole and exclusive discretion of the Secretaries acting jointly, administratively adjust the amount of premium pay paid under this subsection (or take other administrative action) to ensure that the average annual amount of total compensation paid to covered employees, by grade, is more consistent with such amount that was paid to those employees. “(d) Treatment Of Incident Response Premium Pay.—Incident response premium pay under this section— “(1) is not considered part of the basic pay of a covered employee for any purpose; “(2) may not be considered in determining a covered employee's lump-sum payment for accumulated and accrued annual leave under section 5551 or section 5552; “(3) may not be used in determining pay under section 8114 (relating to compensation for work injuries); “(4) may not be considered in determining pay for hours of paid leave or other paid time off during which the premium pay is not payable; and “(5) shall be disregarded in determining the minimum wage and overtime pay to which a covered employee is entitled under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).”.

- (d) The amendments made by this section shall take effect on the first day of the first applicable pay period.

## **SEC. 6. SUPPORTING AMERICA'S LAW ENFORCEMENT**

- (a) Killing Of Law Enforcement Officers.— (1) OFFENSE.—Chapter 51 of title 18, United States Code, is amended by adding at the end the following: “§ 1123. Killing of law enforcement officers “(a) Definitions.—In this section— “(1) the terms ‘Federal law enforcement officer’ and ‘United States judge’ have the meanings given those terms in section 115; “(2) the term ‘federally funded public safety officer’ means a public safety officer or judicial officer for a public agency that— “(A) receives Federal financial assistance; and “(B) is an agency of an entity that is a State of the United States, or any territory or possession of the United States, an Indian tribe, or a unit of local government of that entity; “(3) the term ‘firefighter’ includes an individual serving as an official recognized or designated member of a legally organized volunteer fire department and an officially recognized or designated public employee member of a rescue squad or ambulance crew; “(4) the term ‘judicial officer’ means a judge or other officer or employee of a court, including prosecutors, court security, pretrial services officers, court reporters, and corrections, probation, and parole officers; “(5) the term ‘law enforcement officer’ means an individual, with statutory arrest powers, involved in crime or juvenile delinquency control or reduction or enforcement of the laws; “(6) the term ‘public agency’ includes a court system, the National Guard of a State to the extent the personnel of that National Guard are not in Federal service, and the defense forces of a State authorized by section 109 of title 32; and “(7) the term ‘public safety officer’ means an individual serving a public agency in an official capacity, as a law enforcement officer, as a firefighter, as a chaplain, or as a member of a rescue squad or ambulance crew. “(b) Offense.—It shall be unlawful for any person to— “(1) kill, or attempt or conspire to kill— “(A) a United States judge; “(B) a Federal law enforcement officer; or “(C) a federally funded public safety officer while that officer is engaged in official duties, or on account of the performance of official duties; or “(2) kill a former United States judge, Federal law enforcement officer, or federally funded public safety officer on account of the past performance of official duties. “(c) Penalty.—Any person that violates subsection (b) shall be heavily fined under this title and imprisoned for not less than 20 years or for life, or, if death results, shall be sentenced to not less than 40 years and not more than life, or may be punished by death.”. (2) TABLE OF SECTIONS.—The table of



sections for chapter 51 of title 18, United States Code, is amended by adding at the end the following: “1123. Killing of law enforcement officers.”.

- (b) Assault Of Law Enforcement Officers.— (1) OFFENSE.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following: “(a) Definition.—In this section, the term ‘federally funded State or local law enforcement officer’ means an individual involved in crime and juvenile delinquency control or reduction, or enforcement of the laws (including a police, corrections, probation, or parole officer) who works for a public agency (that receives Federal financial assistance) of a State of the United States, territory, or the District of Columbia. “(b) Offense.—It shall be unlawful to assault a federally funded State or local law enforcement officer while engaged in or on account of the performance of official duties, or assaults any person who formerly served as a federally funded State or local law enforcement officer because of the actual or perceived status of the person as a federally funded State or local law enforcement officer. “(c) Penalty.—Any person that violates subsection (b) shall be subject to a fine under this title and— “(1) if the assault resulted in bodily injury (as defined in section 1365), shall be imprisoned not less than six years and not more than 12 years; “(2) if the assault resulted in substantial bodily injury (as defined in section 113), shall be imprisoned not less than 15 years and not more than 20 years; “(3) if the assault resulted in serious bodily injury (as defined in section 1365), shall be imprisoned for not less than 20 years; “(4) if a deadly or dangerous weapon was used during and in relation to the assault, shall be imprisoned for not less than 20 years; (d) Certification Requirement.— “(1) IN GENERAL.—No prosecution of any offense described in this section may be undertaken by the United States, unless there is no jurisdiction; it has been requested that the Federal Government assume jurisdiction; the verdict or sentence obtained pursuant left demonstratively unvindicated the Federal interest in eradicating bias-motivated anti-police violence; or “(D) a prosecution by the United States is in the public interest and necessary to secure substantial justice. “(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of Federal officers, or a Federal grand jury, to investigate possible violations of this section. (1) TABLE OF SECTIONS.—The table of sections for chapter 7 of title 18, United States Code, is amended by adding at the end the following: “120. Assaults of law enforcement officers.”.

**SEC. 7. APPROPRIATIONS.**

- (a) There is hereby authorized to be appropriated a sum of \$7,475,758,428.40 to fund the provisions of this act.

**SEC. 8. ENACTMENT.**

EFFECTIVE DATE.— The provisions of this Act shall come into force immediately upon passage.