

Calendar No. 427

117TH CONGRESS
2D SESSION**S. 2150****[Report No. 117–121]**

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the Federal Government, and for other purposes.

 IN THE SENATE OF THE UNITED STATES

JUNE 21, 2021

Mr. ROMNEY (for himself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

JUNE 21, 2022

Reported by Mr. PETERS, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italie*]

A BILL

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the Federal Government, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Wildland Fire Mitiga-
3 tion and Management Commission Act of 2021”.

4 **SEC. 2. DEFINITIONS.**

5 In this Act:

6 ~~(1) APPROPRIATE COMMITTEES OF CON-~~
7 ~~GRESS.—~~The term “appropriate committees of Con-
8 gress” means—

9 ~~(A) the Committee on Energy and Natural~~
10 ~~Resources of the Senate;~~

11 ~~(B) the Committee on Agriculture, Nutri-~~
12 ~~tion, and Forestry of the Senate;~~

13 ~~(C) the Committee on Homeland Security~~
14 ~~and Governmental Affairs of the Senate;~~

15 ~~(D) the Committee on Appropriations of~~
16 ~~the Senate;~~

17 ~~(E) the Committee on Natural Resources~~
18 ~~of the House of Representatives;~~

19 ~~(F) the Committee on Agriculture of the~~
20 ~~House of Representatives;~~

21 ~~(G) the Committee on Homeland Security~~
22 ~~of the House of Representatives;~~

23 ~~(H) the Committee on Appropriations of~~
24 ~~the House of Representatives; and~~

25 ~~(I) the Committee on Ways and Means of~~
26 ~~the House of Representatives.~~

1 (2) COMMISSION.—The term “Commission”
 2 means the commission established under section
 3 3(a).

4 (3) HIGH-RISK INDIAN TRIBAL GOVERNMENT.—
 5 The term “high-risk Indian tribal government”
 6 means an Indian tribal government, during not
 7 fewer than 4 of the 5 years preceding the date of en-
 8 actment of this Act—

9 (A) that received fire management assist-
 10 ance under section 420 of the Robert T. Staf-
 11 ford Disaster Relief and Emergency Assistance
 12 Act (42 U.S.C. 5187); or

13 (B) land of which included an area for
 14 which the President declared a major disaster
 15 for fire in accordance with section 401 of that
 16 Act (42 U.S.C. 5170).

17 (4) HIGH-RISK STATE.—The term “high-risk
 18 State” means a State that, during not fewer than 4
 19 of the 5 years preceding the date of enactment of
 20 this Act—

21 (A) received fire management assistance
 22 under section 420 of the Robert T. Stafford
 23 Disaster Relief and Emergency Assistance Act
 24 (42 U.S.C. 5187); or

1 (B) included an area for which the Presi-
 2 dent declared a major disaster for fire in ac-
 3 cordance with section 401 of that Act (42
 4 U.S.C. 5170).

5 (5) INDIAN TRIBAL GOVERNMENT.—The term
 6 “Indian tribal government” has the meaning given
 7 the term in section 102 of the Robert T. Stafford
 8 Disaster Relief and Emergency Assistance Act (42
 9 U.S.C. 5122).

10 (6) SECRETARIES.—The term “Secretaries”
 11 means—

12 (A) the Secretary of the Interior;

13 (B) the Secretary of Agriculture; and

14 (C) the Secretary of Homeland Security,
 15 acting through the Administrator of the Federal
 16 Emergency Management Agency.

17 (7) STATE.—The term “State” has the mean-
 18 ing given the term in section 102 of the Robert T.
 19 Stafford Disaster Relief and Emergency Assistance
 20 Act (42 U.S.C. 5122).

21 (8) WILDLAND-URBAN INTERFACE.—The term
 22 “wildland-urban interface” has the meaning given
 23 the term in section 101 of the Healthy Forests Res-
 24 toration Act of 2003 (16 U.S.C. 6511).

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 ~~(a) ESTABLISHMENT.~~—Not later than 30 days after
3 the date of enactment of this Act, the Secretaries shall
4 jointly establish a commission to study and make rec-
5 ommendations to improve Federal policies relating to—

6 ~~(1) the prevention, mitigation, suppression, and~~
7 ~~management of wildland fires in the United States;~~
8 ~~and~~

9 ~~(2) the rehabilitation of land in the United~~
10 ~~States devastated by wildland fires.~~

11 ~~(b) MEMBERSHIP.~~—

12 ~~(1) COMPOSITION.~~—The Commission shall be
13 ~~composed of—~~

14 ~~(A) each of the Secretaries (or designees),~~
15 ~~who shall jointly serve as the co-chairpersons of~~
16 ~~the Commission;~~

17 ~~(B) not greater than 8 representatives of~~
18 ~~Federal departments or agencies, to be ap-~~
19 ~~pointed by the Secretaries, including—~~

20 ~~(i) not fewer than 1 representative~~
21 ~~from each of—~~

22 ~~(I) the Bureau of Land Manage-~~
23 ~~ment;~~

24 ~~(II) the National Park Service;~~

25 ~~(III) the Bureau of Indian Af-~~
26 ~~fairs; and~~

- 1 (IV) the Forest Service;
- 2 (ii) a representative of or liaison to
- 3 the Mitigation Framework Leadership
- 4 Group of the Federal Emergency Manage-
- 5 ment Agency;
- 6 (iii) a representative to the National
- 7 Interagency Coordination Center, which is
- 8 part of the National Wildfire Coordination
- 9 Group;
- 10 (iv) a representative from 1 of the co-
- 11 ordinating agencies of the Recovery Sup-
- 12 port Function Leadership Group; and
- 13 (v) if the Secretaries determine it to
- 14 be appropriate, a representative of any
- 15 other Federal department or agency, such
- 16 as the Department of Energy, the Environ-
- 17 mental Protection Agency, or the Depart-
- 18 ment of Defense; and
- 19 (C) not greater than 17 non-Federal stake-
- 20 holders with expertise in wildland fire prepared-
- 21 ness, mitigation, suppression, or management,
- 22 who collectively have a combination of back-
- 23 grounds, experiences, and viewpoints and are
- 24 representative of rural, urban, and suburban

1 areas, to be appointed by the Secretaries, in-
2 cluding—

3 (i) not fewer than 1 State hazard
4 mitigation officer of a high-risk State (or
5 a designee);

6 (ii) with preference given to represent-
7 atives from high-risk States and high-risk
8 Indian tribal governments, not fewer than
9 1 representative from each of—

10 (I) a State department of natural
11 resources, forestry, or agriculture or a
12 similar State agency;

13 (II) a State department of energy
14 or a similar State agency;

15 (III) a county government, with
16 preference given to counties at least a
17 portion of which is in the wildland-
18 urban interface; and

19 (IV) a municipal government,
20 with preference given to municipalities
21 at least a portion of which is in the
22 wildland-urban interface;

23 (iii) with preference given to rep-
24 resentatives from high-risk States and

1 high-risk Indian tribal governments, not
 2 fewer than 1 representative from each of—
 3 (I) the public utility industry;
 4 (II) the property development in-
 5 dustry; and
 6 (III) Indian tribal governments;
 7 and
 8 (iv) any other appropriate non-Fed-
 9 eral stakeholders, which may include the
 10 private sector, with preference given to
 11 non-Federal stakeholders from high-risk
 12 States and high-risk Indian tribal govern-
 13 ments.

14 (2) STATE LIMITATION.—Each member of the
 15 Commission appointed under clauses (i) and (ii) of
 16 paragraph (1)(C) shall represent a different State.

17 (3) DATE.—The appointments of the members
 18 of the Commission shall be made not later than 60
 19 days after the date of enactment of this Act.

20 (c) PERIOD OF APPOINTMENT; VACANCIES.—

21 (1) IN GENERAL.—A member of the Commis-
 22 sion shall be appointed for the life of the Commis-
 23 sion.

24 (2) VACANCIES.—A vacancy in the Commis-
 25 sion—

1 (A) shall not affect the powers of the Com-
2 mission; and

3 (B) shall be filled in the same manner as
4 the original appointment.

5 ~~(d) MEETINGS.—~~

6 (1) ~~INITIAL MEETING.~~—Not later than 30 days
7 after the date on which all members of the Commis-
8 sion have been appointed, the Commission shall hold
9 the first meeting of the Commission.

10 (2) ~~FREQUENCY.~~—The Commission shall meet
11 not less frequently than once every 30 days.

12 (3) ~~TYPE.~~—The Commission may hold meet-
13 ings, and a member of the Commission may partici-
14 pate in a meeting, remotely through teleconference,
15 video conference, or similar means.

16 (4) ~~QUORUM.~~—A majority of the members of
17 the Commission shall constitute a quorum, but a
18 lesser number of members may hold hearings.

19 **SEC. 4. DUTIES OF COMMISSION.**

20 (a) ~~REPORT ON RECOMMENDATIONS TO MITIGATE~~
21 ~~AND MANAGE WILDLAND FIRES.—~~

22 (1) ~~IN GENERAL.~~—Not later than 1 year after
23 the date of the first meeting of the Commission, the
24 Commission shall submit to the appropriate commit-
25 tees of Congress a report describing recommenda-

1 tions to prevent, mitigate, suppress, and manage
2 wildland fires, including—

3 (A) policy recommendations, including rec-
4 ommendations—

5 (i) to maximize the protection of
6 human life, community water supplies,
7 homes, and other essential structures,
8 which may include recommendations to ex-
9 pand the use of initial attack strategies;

10 (ii) to facilitate efficient short- and
11 long-term forest management in residential
12 and nonresidential at-risk areas;

13 (iii) to manage the wildland-urban
14 interface;

15 (iv) to manage utility corridors; and

16 (v) to rehabilitate land devastated by
17 wildland fire;

18 (B) policy recommendations described in
19 subparagraph (A) with respect to any rec-
20 ommendations for categorical exclusions from
21 the requirement to prepare an environmental
22 impact statement or analysis under the Na-
23 tional Environmental Policy Act of 1969 (42
24 U.S.C. 4321 et seq.);

1 (C) policy recommendations for modern-
2 izing and expanding the use of technology, in-
3 cluding satellite technology, to prevent, miti-
4 gate, suppress, and manage wildland fires, in-
5 cluding any recommendations with respect to—

6 (i) the implementation of section 1114
7 of the John D. Dingell, Jr. Conservation,
8 Management, and Recreation Act (43
9 U.S.C. 1748b-1); or

10 (ii) improving early wildland fire de-
11 tection;

12 (D) an assessment of Federal spending on
13 wildland fire-related disaster management, in-
14 cluding—

15 (i) a description and assessment of
16 Federal grant programs for States and
17 units of local government for pre- and
18 post-wildland fire disaster mitigation and
19 recovery, including—

20 (I) the amount of funding pro-
21 vided under each program;

22 (II) the effectiveness of each pro-
23 gram with respect to long-term forest
24 management and maintenance; and

1 (III) recommendations to im-
 2 prove the effectiveness of each pro-
 3 gram, including with respect to—

4 (aa) the conditions on the
 5 use of funds received under the
 6 program; and

7 (bb) the extent to which ad-
 8 ditional funds are necessary for
 9 the program;

10 (ii) an evaluation, including rec-
 11 ommendations to improve the effectiveness
 12 in mitigating wildland fires, of—

13 (I) the Building Resilient Infra-
 14 structure and Communities program
 15 under section 203 of the Robert T.
 16 Stafford Disaster Relief and Emer-
 17 gency Assistance Act (42 U.S.C.
 18 ~~5133~~);

19 (II) the Pre-Disaster Mitigation
 20 program under that section (42
 21 U.S.C. ~~5133~~);

22 (III) the Hazard Mitigation
 23 Grant Program under section 404 of
 24 that Act (42 U.S.C. 5170c); and

1 (IV) Hazard Mitigation Grant
 2 Program post-fire assistance under
 3 sections 404 and 420 of that Act (42
 4 U.S.C. 5170e, 5187);

5 (iii) an assessment of the definition of
 6 “small impoverished community” under
 7 section 203(a) of the Robert T. Stafford
 8 Disaster Relief and Emergency Assistance
 9 Act (42 U.S.C. 5133(a)), specifically—

10 (I) the exclusion of the percent-
 11 age of land owned by an entity other
 12 than a State or unit of local govern-
 13 ment; and

14 (II) any related economic impact
 15 of that exclusion; and

16 (iv) recommendations for Federal
 17 budgeting for wildland fires;

18 (E) any recommendations for matters
 19 under subparagraph (A), (B), (C), or (D) spe-
 20 cific to—

21 (i) forest type, vegetation type, or for-
 22 est and vegetation type; or

23 (ii) State land, Tribal land, or private
 24 land; and

(F)(i) a review of the national strategy described in the report entitled “The National Strategy: The Final Phase in the Development of the National Cohesive Wildland Fire Management Strategy” and dated April 2014; and

(ii) any recommendations for changes to that national strategy to improve its effectiveness.

(2) SPECIFIC POLICY RECOMMENDATIONS.—To the maximum extent practicable, the report described in paragraph (1) shall include detailed short- and long-term policy recommendations, including any recommendations for Federal legislation.

(3) INTERIM REPORTS.—Before the submission of the report under paragraph (1), on approval of all members of the Commission, the Commission may submit to the appropriate committees of Congress 1 or more interim reports, as the Commission determines to be appropriate, relating to any matters described in paragraph (1).

(b) REPORT ON AERIAL WILDLAND FIREFIGHTING EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—

(1) SUBMISSION OF INVENTORY TO THE COMMISSION.—Not later than 45 days after the date on which the Commission holds the first meeting of the

1 Commission, the Secretary of Defense and the heads
2 of other relevant Federal departments and agencies
3 shall submit to the Commission an inventory of sur-
4 plus cargo and passenger aircraft and excess com-
5 mon-use aircraft parts that may be used for wildland
6 firefighting purposes, excluding any aircraft or air-
7 craft parts that are—

8 (A) reasonably anticipated to be necessary
9 for military operations, readiness, or fleet man-
10 agement in the future; or

11 (B) already obligated for purposes other
12 than fighting wildland fires.

13 (2) SUBMISSION OF REPORT TO CONGRESS.—

14 Not later than 90 days after the date on which the
15 Commission receives the inventory described in para-
16 graph (1), the Commission shall submit to the ap-
17 propriate committees of Congress a report outlining
18 a strategy to meet aerial firefighting equipment
19 needs through 2030 in the most cost-effective man-
20 ner, including—

21 (A) an assessment of the expected number
22 of aircraft and aircraft parts needed to fight
23 wildland fires through 2030;

24 (B) an assessment of existing authorities
25 of the Secretary of Defense and the heads of

1 other relevant Federal departments and agen-
2 cies to provide or sell surplus aircraft or air-
3 craft parts to Federal, State, or local authori-
4 ties for wildland firefighting use, including—

5 (i) a description of the current use of
6 each existing authority; and

7 (ii) a description of any additional au-
8 thorities that are needed for the Secretary
9 of Defense and the heads of other relevant
10 Federal departments and agencies to pro-
11 vide or sell surplus aircraft or aircraft
12 parts to Federal, State, or local authorities
13 for wildland firefighting use; and

14 (C) recommendations to ensure the avail-
15 ability of aircraft and aircraft parts that the
16 Commission expects will be necessary to fight
17 wildland fires through 2030 in the most cost-ef-
18 fective manner.

19 ~~(3)~~ CONSIDERATIONS FOR ACCESSING AIRCRAFT
20 AND AIRCRAFT PARTS.—In developing the strategy
21 in the report required under paragraph (2) and the
22 recommendations under paragraph (2)(C), the Com-
23 mission shall consider all private and public sector
24 options for accessing necessary aircraft and aircraft

1 parts, including procurement, contracting, retro-
 2 fitting, and public-private partnerships.

3 ~~(4) UNCLASSIFIED REPORT.—~~The inventory
 4 and report submitted under paragraphs (1) and (2),
 5 respectively—

6 ~~(A) shall be unclassified; but~~

7 ~~(B) may include a classified annex.~~

8 ~~(c) MAJORITY REQUIREMENT.—~~Not less than $\frac{2}{3}$ of
 9 the members of the Commission shall approve the rec-
 10 ommendations contained in each report submitted under
 11 subsection (a) or (b)(2).

12 **SEC. 5. POWERS OF COMMISSION.**

13 ~~(a) HEARINGS.—~~The Commission may hold such
 14 hearings, sit and act at such times and places, take such
 15 testimony, and receive such evidence as the Commission
 16 considers advisable to carry out this Act.

17 ~~(b) INFORMATION FROM FEDERAL AGENCIES.—~~

18 ~~(1) IN GENERAL.—~~The Commission may secure
 19 directly from a Federal department or agency such
 20 information as the Commission considers necessary
 21 to carry out this Act.

22 ~~(2) FURNISHING INFORMATION.—~~On request of
 23 the Chairpersons of the Commission, the head of the
 24 department or agency shall furnish the information
 25 to the Commission.

1 (c) ~~POSTAL SERVICES.~~—The Commission may use
 2 the United States mails in the same manner and under
 3 the same conditions as other departments and agencies of
 4 the Federal Government.

5 (d) ~~GIFTS.~~—The Commission may accept, use, and
 6 dispose of such gifts or donations of services or property
 7 as the Commission considers necessary to carry out this
 8 Act.

9 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

10 (a) ~~NO COMPENSATION.~~—A member of the Commis-
 11 sion shall serve without compensation.

12 (b) ~~TRAVEL EXPENSES.~~—A member of the Commis-
 13 sion shall be allowed travel expenses, including per diem
 14 in lieu of subsistence, at rates authorized for employees
 15 of agencies under subchapter I of chapter 57 of title 5,
 16 United States Code, while away from their homes or reg-
 17 ular places of business in the performance of services for
 18 the Commission.

19 (c) ~~STAFF.~~—

20 (1) ~~IN GENERAL.~~—The Chairpersons of the
 21 Commission may, without regard to the civil service
 22 laws (including regulations), appoint and terminate
 23 an executive director and such other additional per-
 24 sonnel as may be necessary to enable the Commis-
 25 sion to perform its duties, except that the employ-

1 ment of an executive director shall be subject to con-
2 firmation by the Commission.

3 ~~(2) COMPENSATION.—~~The Chairpersons of the
4 Commission may fix the compensation of the execu-
5 tive director and other personnel without regard to
6 chapter 51 and subchapter III of chapter 53 of title
7 5, United States Code, relating to classification of
8 positions and General Schedule pay rates, except
9 that the rate of pay for the executive director and
10 other personnel may not exceed the rate payable for
11 level V of the Executive Schedule under section 5316
12 of that title.

13 ~~(d) DETAIL OF GOVERNMENT EMPLOYEES.—~~A Fed-
14 eral Government employee may be detailed to the Commis-
15 sion without reimbursement, and such detail shall be with-
16 out interruption or loss of civil service status or privilege.

17 ~~(e) PROCUREMENT OF TEMPORARY AND INTERMIT-~~
18 ~~TENT SERVICES.—~~The Chairpersons of the Commission
19 may procure temporary and intermittent services under
20 section 3109(b) of title 5, United States Code, at rates
21 for individuals that do not exceed the daily equivalent of
22 the annual rate of basic pay prescribed for level V of the
23 Executive Schedule under section 5316 of that title.

1 **SEC. 7. TERMINATION OF COMMISSION.**

2 The Commission shall terminate on the date that is
3 180 days after the date on which the Commission has sub-
4 mitted the reports under subsections (a) and (b) of section
5 4.

6 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

7 There is authorized to be appropriated to carry out
8 this Act \$1,000,000.

9 **SECTION 1. SHORT TITLE.**

10 *This Act may be cited as the “Wildland Fire Mitiga-*
11 *tion and Management Commission Act of 2021”.*

12 **SEC. 2. DEFINITIONS.**

13 *In this Act:*

14 (1) *APPROPRIATE COMMITTEES OF CONGRESS.—*

15 *The term “appropriate committees of Congress”*
16 *means—*

17 (A) *the Committee on Energy and Natural*
18 *Resources of the Senate;*

19 (B) *the Committee on Agriculture, Nutri-*
20 *tion, and Forestry of the Senate;*

21 (C) *the Committee on Homeland Security*
22 *and Governmental Affairs of the Senate;*

23 (D) *the Committee on Appropriations of the*
24 *Senate;*

25 (E) *the Committee on Environment and*
26 *Public Works of the Senate;*

1 (F) the Committee on Natural Resources of
2 the House of Representatives;

3 (G) the Committee on Agriculture of the
4 House of Representatives;

5 (H) the Committee on Homeland Security
6 of the House of Representatives;

7 (I) the Committee on Appropriations of the
8 House of Representatives;

9 (J) the Committee on Ways and Means of
10 the House of Representatives; and

11 (K) the Committee on Natural Resources of
12 the House of Representatives.

13 (2) COMMISSION.—The term “Commission”
14 means the commission established under section 3(a).

15 (3) HIGH-RISK INDIAN TRIBAL GOVERNMENT.—
16 The term “high-risk Indian tribal government” means
17 an Indian tribal government, during not fewer than
18 4 of the 5 years preceding the date of enactment of
19 this Act—

20 (A) that received fire management assist-
21 ance under section 420 of the Robert T. Stafford
22 Disaster Relief and Emergency Assistance Act
23 (42 U.S.C. 5187); or

24 (B) land of which included an area for
25 which the President declared a major disaster for

1 *fire in accordance with section 401 of that Act*
 2 *(42 U.S.C. 5170).*

3 (4) *HIGH-RISK STATE.*—*The term “high-risk*
 4 *State” means a State that, during not fewer than 4*
 5 *of the 5 years preceding the date of enactment of this*
 6 *Act—*

7 *(A) received fire management assistance*
 8 *under section 420 of the Robert T. Stafford Dis-*
 9 *aster Relief and Emergency Assistance Act (42*
 10 *U.S.C. 5187); or*

11 *(B) included an area for which the Presi-*
 12 *dent declared a major disaster for fire in accord-*
 13 *ance with section 401 of that Act (42 U.S.C.*
 14 *5170).*

15 (5) *INDIAN TRIBAL GOVERNMENT.*—*The term*
 16 *“Indian tribal government” has the meaning given*
 17 *the term in section 102 of the Robert T. Stafford Dis-*
 18 *aster Relief and Emergency Assistance Act (42 U.S.C.*
 19 *5122).*

20 (6) *SECRETARIES.*—*The term “Secretaries”*
 21 *means—*

22 *(A) the Secretary of the Interior;*

23 *(B) the Secretary of Agriculture; and*

1 (C) *the Secretary of Homeland Security,*
 2 *acting through the Administrator of the Federal*
 3 *Emergency Management Agency.*

4 (7) *STATE.—The term “State” has the meaning*
 5 *given the term in section 102 of the Robert T. Staf-*
 6 *ford Disaster Relief and Emergency Assistance Act*
 7 *(42 U.S.C. 5122).*

8 (8) *WILDLAND-URBAN INTERFACE.—The term*
 9 *“wildland-urban interface” has the meaning given the*
 10 *term in section 101 of the Healthy Forests Restora-*
 11 *tion Act of 2003 (16 U.S.C. 6511).*

12 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

13 (a) *ESTABLISHMENT.—Not later than 30 days after*
 14 *the date of enactment of this Act, the Secretaries shall joint-*
 15 *ly establish a commission to study and make recommenda-*
 16 *tions to improve Federal policies relating to—*

17 (1) *the prevention, mitigation, suppression, and*
 18 *management of wildland fires in the United States;*
 19 *and*

20 (2) *the rehabilitation of land in the United*
 21 *States devastated by wildland fires.*

22 (b) *MEMBERSHIP.—*

23 (1) *COMPOSITION.—The Commission shall be*
 24 *composed of—*

1 (A) each of the Secretaries (or designees),
2 who shall jointly serve as the co-chairpersons of
3 the Commission;

4 (B) 9 representatives of Federal depart-
5 ments or agencies, to be appointed by the Secre-
6 taries, including—

7 (i) not fewer than 1 representative
8 from each of—

9 (I) the Bureau of Land Manage-
10 ment;

11 (II) the National Park Service;

12 (III) the Bureau of Indian Af-
13 fairs;

14 (IV) the United States Fish and
15 Wildlife Service; and

16 (V) the Forest Service;

17 (ii) a representative of or liaison to the
18 Mitigation Framework Leadership Group of
19 the Federal Emergency Management Agen-
20 cy;

21 (iii) a representative to the National
22 Interagency Coordination Center, which is
23 part of the National Wildfire Coordination
24 Group;

1 (iv) a representative from 1 of the co-
2 ordinating agencies of the Recovery Support
3 Function Leadership Group; and

4 (v) if the Secretaries determine it to be
5 appropriate, a representative of any other
6 Federal department or agency, such as the
7 Department of Energy, the Environmental
8 Protection Agency, or the Department of
9 Defense; and

10 (C) 18 non-Federal stakeholders with exper-
11 tise in wildland fire preparedness, mitigation,
12 suppression, or management, who collectively
13 have a combination of backgrounds, experiences,
14 and viewpoints and are representative of rural,
15 urban, and suburban areas, to be appointed by
16 the Secretaries, including—

17 (i) not fewer than 1 State hazard miti-
18 gation officer of a high-risk State (or a des-
19 ignee);

20 (ii) with preference given to represent-
21 atives from high-risk States and high-risk
22 Indian tribal governments, not fewer than 1
23 representative from each of—

1 (I) a State department of natural
2 resources, forestry, or agriculture or a
3 similar State agency;

4 (II) a State department of energy
5 or a similar State agency;

6 (III) a county government, with
7 preference given to counties at least a
8 portion of which is in the wildland-
9 urban interface; and

10 (IV) a municipal government,
11 with preference given to municipalities
12 at least a portion of which is in the
13 wildland-urban interface;

14 (iii) with preference given to represent-
15 atives from high-risk States and high-risk
16 Indian tribal governments, not fewer than 1
17 representative from each of—

18 (I) the public utility industry;

19 (II) the property development in-
20 dustry;

21 (III) Indian tribal governments;

22 (IV) wildland firefighters; and

23 (V) an organization—

24 (aa) described in section
25 501(c)(3) of the Internal Revenue

1 *Code of 1986 and exempt from*
 2 *taxation under section 501(a) of*
 3 *that Code; and*

4 *(bb) with expertise in forest*
 5 *management and environmental*
 6 *conservation;*

7 *(iv) not greater than 2 other appro-*
 8 *priate non-Federal stakeholders, which may*
 9 *include the private sector; and*

10 *(v) any other appropriate non-Federal*
 11 *stakeholders, which may include the private*
 12 *sector, with preference given to non-Federal*
 13 *stakeholders from high-risk States and high-*
 14 *risk Indian tribal governments.*

15 (2) *STATE LIMITATION.*—*Each member of the*
 16 *Commission appointed under clauses (i) and (ii) of*
 17 *paragraph (1)(C) shall represent a different State.*

18 (3) *DATE.*—*The appointments of the members of*
 19 *the Commission shall be made not later than 60 days*
 20 *after the date of enactment of this Act.*

21 (c) *PERIOD OF APPOINTMENT; VACANCIES.*—

22 (1) *IN GENERAL.*—*A member of the Commission*
 23 *shall be appointed for the life of the Commission.*

24 (2) *VACANCIES.*—*A vacancy in the Commis-*
 25 *sion—*

1 (A) shall not affect the powers of the Com-
2 mission; and

3 (B) shall be filled in the same manner as
4 the original appointment.

5 (d) *MEETINGS.*—

6 (1) *INITIAL MEETING.*—Not later than 30 days
7 after the date on which all members of the Commis-
8 sion have been appointed, the Commission shall hold
9 the first meeting of the Commission.

10 (2) *FREQUENCY.*—The Commission shall meet
11 not less frequently than once every 30 days.

12 (3) *TYPE.*—The Commission may hold meetings,
13 and a member of the Commission may participate in
14 a meeting, remotely through teleconference, video con-
15 ference, or similar means.

16 (4) *QUORUM.*—A majority of the members of the
17 Commission shall constitute a quorum, but a lesser
18 number of members may hold hearings.

19 **SEC. 4. DUTIES OF COMMISSION.**

20 (a) *REPORT ON RECOMMENDATIONS TO MITIGATE AND*
21 *MANAGE WILDLAND FIRES.*—

22 (1) *IN GENERAL.*—Not later than 1 year after
23 the date of the first meeting of the Commission, the
24 Commission shall submit to the appropriate commit-
25 tees of Congress a report describing recommendations

1 *to prevent, mitigate, suppress, and manage wildland*
2 *fires, including—*

3 *(A) policy recommendations, including rec-*
4 *ommendations—*

5 *(i) to maximize the protection of*
6 *human life, community water supplies,*
7 *homes, and other essential structures, which*
8 *may include recommendations to expand*
9 *the use of initial attack strategies;*

10 *(ii) to facilitate efficient short- and*
11 *long-term forest management in residential*
12 *and nonresidential at-risk areas, which*
13 *may include a review of community wild-*
14 *fire protection plans;*

15 *(iii) to manage the wildland-urban*
16 *interface;*

17 *(iv) to manage utility corridors;*

18 *(v) to rehabilitate land devastated by*
19 *wildland fire; and*

20 *(vi) to improve the capacity of the Sec-*
21 *retary of Agriculture and the Secretary of*
22 *the Interior to conduct hazardous fuels re-*
23 *duction projects;*

1 (B) policy recommendations described in
2 subparagraph (A) with respect to any rec-
3 ommendations for—

4 (i) categorical exclusions from the re-
5 quirement to prepare an environmental im-
6 pact statement or analysis under the Na-
7 tional Environmental Policy Act of 1969
8 (42 U.S.C. 4321 *et seq.*); or

9 (ii) additional staffing or resources
10 that may be necessary to more expeditiously
11 prepare an environmental impact statement
12 or analysis under that Act;

13 (C) policy recommendations for modern-
14 izing and expanding the use of technology, in-
15 cluding satellite technology, remote sensing, un-
16 manned aircraft systems, and any other type of
17 emerging technology, to prevent, mitigate, sup-
18 press, and manage wildland fires, including any
19 recommendations with respect to—

20 (i) the implementation of section 1114
21 of the John D. Dingell, Jr. Conservation,
22 Management, and Recreation Act (43
23 U.S.C. 1748b–1); or

24 (ii) improving early wildland fire de-
25 tection;

1 (D) an assessment of Federal spending on
2 wildland fire-related disaster management, in-
3 cluding—

4 (i) a description and assessment of
5 Federal grant programs for States and
6 units of local government for pre- and post-
7 wildland fire disaster mitigation and recov-
8 ery, including—

9 (I) the amount of funding pro-
10 vided under each program;

11 (II) the effectiveness of each pro-
12 gram with respect to long-term forest
13 management and maintenance; and

14 (III) recommendations to improve
15 the effectiveness of each program, in-
16 cluding with respect to—

17 (aa) the conditions on the use
18 of funds received under the pro-
19 gram; and

20 (bb) the extent to which addi-
21 tional funds are necessary for the
22 program;

23 (ii) an evaluation, including rec-
24 ommendations to improve the effectiveness

1 *in mitigating wildland fires, which may in-*
 2 *clude authorizing prescribed fires, of—*

3 *(I) the Building Resilient Infra-*
 4 *structure and Communities program*
 5 *under section 203 of the Robert T.*
 6 *Stafford Disaster Relief and Emer-*
 7 *gency Assistance Act (42 U.S.C. 5133);*

8 *(II) the Pre-Disaster Mitigation*
 9 *program under that section (42 U.S.C.*
 10 *5133);*

11 *(III) the Hazard Mitigation*
 12 *Grant Program under section 404 of*
 13 *that Act (42 U.S.C. 5170c);*

14 *(IV) Hazard Mitigation Grant*
 15 *Program post-fire assistance under sec-*
 16 *tions 404 and 420 of that Act (42*
 17 *U.S.C. 5170c, 5187); and*

18 *(V) such other programs as the*
 19 *Commission determines to be appro-*
 20 *priate;*

21 *(iii) an assessment of the definition of*
 22 *“small impoverished community” under sec-*
 23 *tion 203(a) of the Robert T. Stafford Dis-*
 24 *aster Relief and Emergency Assistance Act*
 25 *(42 U.S.C. 5133(a)), specifically—*

1 (I) the exclusion of the percentage
 2 of land owned by an entity other than
 3 a State or unit of local government;
 4 and

5 (II) any related economic impact
 6 of that exclusion; and

7 (iv) recommendations for Federal
 8 budgeting for wildland fires and post-wild-
 9 fire recovery;

10 (E) any recommendations for matters under
 11 subparagraph (A), (B), (C), or (D) specific to—

12 (i) forest type, vegetation type, or for-
 13 est and vegetation type; or

14 (ii) State land, Tribal land, or private
 15 land;

16 (F)(i) a review of the national strategy de-
 17 scribed in the report entitled “The National
 18 Strategy: The Final Phase in the Development of
 19 the National Cohesive Wildland Fire Manage-
 20 ment Strategy” and dated April 2014; and

21 (ii) any recommendations for changes to
 22 that national strategy to improve its effective-
 23 ness; and

24 (G)(i) an evaluation of coordination of re-
 25 sponse to, and suppression of, wildfires occurring

1 *on Federal, Tribal, State, and local land among*
 2 *Federal, Tribal, State, and local agencies with*
 3 *jurisdiction over that land; and*

4 *(ii) any recommendations to improve the*
 5 *coordination described in clause (i).*

6 (2) *SPECIFIC POLICY RECOMMENDATIONS.—To*
 7 *the maximum extent practicable, the report described*
 8 *in paragraph (1) shall include detailed short- and*
 9 *long-term policy recommendations, including any rec-*
 10 *ommendations for Federal legislation.*

11 (3) *INTERIM REPORTS.—Before the submission of*
 12 *the report under paragraph (1), on approval of all*
 13 *members of the Commission, the Commission may*
 14 *submit to the appropriate committees of Congress 1 or*
 15 *more interim reports, as the Commission determines*
 16 *to be appropriate, relating to any matters described*
 17 *in paragraph (1).*

18 (b) *REPORT ON AERIAL WILDLAND FIREFIGHTING*
 19 *EQUIPMENT STRATEGY AND INVENTORY ASSESSMENT.—*

20 (1) *SUBMISSION OF INVENTORY TO THE COMMIS-*
 21 *SION.—Not later than 45 days after the date on which*
 22 *the Commission holds the first meeting of the Com-*
 23 *mission, the Secretary of Defense and the heads of*
 24 *other relevant Federal departments and agencies shall*
 25 *submit to the Commission an inventory of surplus*

1 *cargo and passenger aircraft and excess common-use*
2 *aircraft parts that may be used for wildland fire-*
3 *fighting purposes, excluding any aircraft or aircraft*
4 *parts that are—*

5 *(A) reasonably anticipated to be necessary*
6 *for military operations, readiness, or fleet man-*
7 *agement in the future; or*

8 *(B) already obligated for purposes other*
9 *than fighting wildland fires.*

10 *(2) SUBMISSION OF REPORT TO CONGRESS.—Not*
11 *later than 90 days after the date on which the Com-*
12 *mission receives the inventory described in paragraph*
13 *(1), the Commission shall submit to the appropriate*
14 *committees of Congress a report outlining a strategy*
15 *to meet aerial firefighting equipment needs through*
16 *2030 in the most cost-effective manner, including—*

17 *(A) an assessment of the expected number of*
18 *aircraft and aircraft parts needed to fight*
19 *wildland fires through 2030;*

20 *(B) an assessment of existing authorities of*
21 *the Secretary of Defense and the heads of other*
22 *relevant Federal departments and agencies to*
23 *provide or sell surplus aircraft or aircraft parts*
24 *to Federal, State, or local authorities for*
25 *wildland firefighting use, including—*

1 (i) a description of the current use of
2 each existing authority; and

3 (ii) a description of any additional au-
4 thorities that are needed for the Secretary of
5 Defense and the heads of other relevant Fed-
6 eral departments and agencies to provide or
7 sell surplus aircraft or aircraft parts to
8 Federal, State, or local authorities for
9 wildland firefighting use; and

10 (C) recommendations to ensure the avail-
11 ability of aircraft and aircraft parts that the
12 Commission expects will be necessary to fight
13 wildland fires through 2030 in the most cost-ef-
14 fective manner.

15 (3) *CONSIDERATIONS FOR ACCESSING AIRCRAFT*
16 *AND AIRCRAFT PARTS.*—In developing the strategy in
17 the report required under paragraph (2) and the rec-
18 ommendations under paragraph (2)(C), the Commis-
19 sion shall consider all private and public sector op-
20 tions for accessing necessary aircraft and aircraft
21 parts, including procurement, contracting, retro-
22 fitting, and public-private partnerships.

23 (4) *UNCLASSIFIED REPORT.*—The inventory and
24 report submitted under paragraphs (1) and (2), re-
25 spectively—

1 (A) shall be unclassified; but

2 (B) may include a classified annex.

3 (c) *MAJORITY REQUIREMENT.*—Not less than $\frac{2}{3}$ of the
4 members of the Commission shall approve the recommenda-
5 tions contained in each report submitted under subsection
6 (a) or (b)(2).

7 **SEC. 5. POWERS OF COMMISSION.**

8 (a) *HEARINGS.*—The Commission may hold such hear-
9 ings, sit and act at such times and places, take such testi-
10 mony, and receive such evidence as the Commission con-
11 siders advisable to carry out this Act.

12 (b) *INFORMATION FROM FEDERAL AGENCIES.*—

13 (1) *IN GENERAL.*—The Commission may secure
14 directly from a Federal department or agency such
15 information as the Commission considers necessary to
16 carry out this Act.

17 (2) *FURNISHING INFORMATION.*—On request of
18 the Chairpersons of the Commission, the head of the
19 department or agency shall furnish the information to
20 the Commission.

21 (c) *POSTAL SERVICES.*—The Commission may use the
22 United States mails in the same manner and under the
23 same conditions as other departments and agencies of the
24 Federal Government.

1 (d) *GIFTS.*—*The Commission may accept, use, and*
 2 *dispose of such gifts or donations of services or property*
 3 *as the Commission considers necessary to carry out this Act.*

4 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

5 (a) *NO COMPENSATION.*—*A member of the Commission*
 6 *shall serve without compensation.*

7 (b) *TRAVEL EXPENSES.*—*A member of the Commission*
 8 *shall be allowed travel expenses, including per diem in lieu*
 9 *of subsistence, at rates authorized for employees of agencies*
 10 *under subchapter I of chapter 57 of title 5, United States*
 11 *Code, while away from their homes or regular places of*
 12 *business in the performance of services for the Commission.*

13 (c) *STAFF.*—

14 (1) *IN GENERAL.*—*The Chairpersons of the Com-*
 15 *mission may, without regard to the civil service laws*
 16 *(including regulations), appoint and terminate an ex-*
 17 *ecutive director and such other additional personnel*
 18 *as may be necessary to enable the Commission to per-*
 19 *form its duties, except that the employment of an ex-*
 20 *ecutive director shall be subject to confirmation by the*
 21 *Commission.*

22 (2) *COMPENSATION.*—*The Chairpersons of the*
 23 *Commission may fix the compensation of the execu-*
 24 *tive director and other personnel without regard to*
 25 *chapter 51 and subchapter III of chapter 53 of title*

1 5, *United States Code*, relating to classification of po-
 2 sitions and *General Schedule* pay rates, except that
 3 the rate of pay for the executive director and other
 4 personnel may not exceed the rate payable for level V
 5 of the *Executive Schedule* under section 5316 of that
 6 title.

7 (d) *DETAIL OF GOVERNMENT EMPLOYEES.*—A Federal
 8 Government employee may be detailed to the Commission
 9 without reimbursement, and such detail shall be without
 10 interruption or loss of civil service status or privilege.

11 (e) *PROCUREMENT OF TEMPORARY AND INTERMIT-*
 12 *TENT SERVICES.*—The Chairpersons of the Commission
 13 may procure temporary and intermittent services under
 14 section 3109(b) of title 5, *United States Code*, at rates for
 15 individuals that do not exceed the daily equivalent of the
 16 annual rate of basic pay prescribed for level V of the *Execu-*
 17 *tive Schedule* under section 5316 of that title.

18 **SEC. 7. TERMINATION OF COMMISSION.**

19 *The Commission shall terminate on the date that is*
 20 *180 days after the date on which the Commission has sub-*
 21 *mitted the reports under subsections (a) and (b) of section*
 22 4.

Calendar No. 427

117TH CONGRESS
2^D Session

S. 2150

[Report No. 117-121]

A BILL

To prevent catastrophic wildland fires by establishing a commission to study and recommend wildland fire prevention, mitigation, suppression, management, and rehabilitation policies for the Federal Government, and for other purposes.

JUNE 21, 2022

Reported with an amendment