

Calendar No. 427

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-121

WILDLAND FIRE MITIGATION AND
MANAGEMENT COMMISSION ACT OF 2021

—
R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 2150

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.—Ordered to be printed

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WILDLAND FIRE MITIGATION AND MANAGEMENT
COMMISSION ACT OF 2021

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Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 2150]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 2150) 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, having considered the same, reports favorably thereon with an amendment (in the nature of a substitute) and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 2150, the Wildland Fire Mitigation and Management Commission Act of 2021, establishes a commission to study the nation's wildland firefighting strategy and recommend specific policies to improve that strategy. The bill requires the commission to include a number of representative stakeholders, including federal agencies, state, local, and tribal government officials, and wildland firefighters. The bill also tasks the commission with making rec-

ommendations and reporting to Congress on forest management, aerial firefighting equipment needs, federal spending and budgeting for wildland fires, and long-term management strategies.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The United States is experiencing an ongoing wildfire crisis.¹ Fires, including some of the largest wildfires in the history of the United States, have engulfed millions of acres of wildlands over the past decade causing extensive property damage and resulting in loss of life.² Wildfires are expected to continue growing in size and destructive potential in the foreseeable future.³ FEMA is required to respond to a rapidly increasing number of wildfires that are affecting communities, and government auditors have found deficiencies in FEMA's responses.⁴ In addition, current federal wildland fire policy is a patchwork of legislation and agency guidance, further complicated by mixed land ownership, and has not been comprehensively reevaluated in more than a decade.⁵ A stronger interagency coordinated effort is needed to address the current wildfire risks across the country.

The *Wildland Fire Mitigation and Management Commission Act of 2021* would work to address this problem by establishing a commission of federal and non-federal stakeholders to study and recommend fire prevention, mitigation, management, and rehabilitation policies for forests and grasslands. The bill specifies a number of stakeholders who must be represented on the commission, including federal agencies, state, local, and tribal government officials from high risk states, wildland firefighters, public utilities, property developers, and environmental conservation nonprofits. The bill requires the commission to develop recommendations on preventing, mitigating, suppressing, and managing wildland fires, and also requires the commission to create a report for Congress on those topics. Additionally, S. 2150 requires a report on the nation's strategy to meet aerial firefighting equipment needs through 2030.

III. LEGISLATIVE HISTORY

Senator Mitt Romney (R-UT) and Senator Mark Kelly (D-AZ) introduced S. 2150, the Wildland Fire Mitigation and Management Commission Act of 2021, on June 21, 2021. The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 2150 at a business meeting on July 14, 2021. During the business meeting, Senator Romney offered a substitute amendment as modified that made several changes, in-

¹See, e.g., *The Two Largest Wildfires in the US Have Burned Land Nearly the Size of New York City, Los Angeles, and Chicago Combined*, CNN.com (July 31, 2021) (<https://www.cnn.com/2021/07/31/weather/us-western-wildfires-saturday/index.html>).

²See National Interagency Coordination Center, *Wildland Fire Summary and Statistics Annual Report 2020*, at 7–8 (2021); see also Congressional Research Service, *Wildfire Statistics* (IF10244) (July 15, 2021).

³See Congressional Research Service, *Federal Wildfire Management: Ten-Year Funding Trends and Issues (FY 2011–FY2020)* (R46583) (Oct. 28, 2020).

⁴See Government Accountability Office, *Wildfire Disasters: FEMA Could Take Additional Actions to Address Unique Response and Recovery Challenges*, at 19–20 (GAO–20–5) (Oct. 9, 2019).

⁵Senators Mitt Romney, Mark Kelly, and Representative John Curtis: *Romney, Kelly, Curtis Introduce Legislation to Improve Wildfire Policy* (June 21, 2021); see also Congressional Research Service, *supra* note 3 (describing the complicated mix of Federal agencies, programs, and appropriations covering wildfire management).

cluding: striking an authorization for appropriation; adding a representative of wildland firefighters to the commission; updating the types of wildland fire mitigation technology the commission will examine; and requiring the commission to evaluate the use of prescribed burns and coordination among multijurisdictional landowners. The amendment, as modified, was adopted *en bloc* by voice vote with Senators Peters, Hassan, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley present. The Committee ordered the bill, as amended, reported favorably *en bloc* by voice vote with Senators Peters, Hassan, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley present.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section designates the name of the bill as the “Wildland Fire Mitigation and Management Commission Act of 2021.”

Section 2. Definitions

This section defines the terms “appropriate committees of Congress,” “Commission,” “high-risk Indian tribal government,” “high-risk State,” “Indian tribal government,” “secretaries,” “state,” and “wildland-urban interface.”

Section 3. Establishment of commission

Subsection (a) requires the Secretaries of Interior, Agriculture, and Homeland Security (Secretaries) to establish the commission within 30 days of enactment. It specifies that the commission will study and make recommendations to improve federal policies on (1) prevention, mitigation, suppression, and management of wildfires and (2) the rehabilitation of land devastated by wildfires.

Subsection (b) specifies the composition of the commission. It requires the members, who must be appointed within 60 days of enactment, to include: the Secretaries or their designees (who are also co-chairpersons of the commission); nine representatives of specified federal departments or agencies appointed by the Secretaries; 18 state government representatives (especially high-risk states); county, municipal, and Tribal officials; industry and nonprofit representatives; and wildland firefighters.

Subsection (c) establishes that members of the commission are appointed for the whole duration of the commission, and establishes a process for filing appointments.

Subsection (d) requires the commission to hold its first meeting 30 days after the date which all members of the commission have been appointed, and further requires the commission to hold a meeting at least every 30 days. Subsection (d) also allows the commission to hold meetings by teleconference or video conference, and establishes that a majority of members constitutes a quorum (but is not required to hold hearings).

Section 4. Duties of commission

Subsection (a) requires the commission to produce a report to Congress within one year after the first meeting of the commission, reporting on recommendations to mitigate and manage wildland

fires. Specific short- and long-term policy recommendations, including recommendations on federal legislation, that must be in the report include: maximizing protection of life, water supplies, homes, and other essential structures; facilitating short- and long-term forest management in risk areas; managing wildland-urban boundaries and utility corridors; rehabilitating land devastated by wildfires; improving the capacity of the Agriculture and Interior departments to conduct hazardous fuel reduction projects; any possible exemptions or additional resources necessary to expedite or eliminate the requirement for environmental impact statements; recommendations to modernize and use technology to fight wildfires; an assessment of Federal spending on a number of programs related to wildfire management; and a review of the 2014 national wildfire strategy.

Subsection (b) specifies that the commission will produce an inventory of aerial wildland firefighting equipment within 45 days of the commission's first meeting. It also specifies that the commission must produce a report for Congress within 90 days of receiving that inventory outlining a strategy to meet the nation's aerial firefighting equipment needs through 2030 in the most cost-effective manner, and that both the inventory and report shall be unclassified.

Subsection (c) requires two-thirds of commission members to approve the recommendations in the reports under subsection (a) and (b).

Section 5. Powers of commission

Subsection (a) provides that the commission can hold hearings, take testimony, and receive evidence to accomplish its goals.

Subsection (b) requires federal departments and agencies to provide information to the commission if requested.

Subsection (c) allows the commission to use the mail in the same manner as other federal departments and agencies.

Subsection (d) allows the commission to accept and use gifts of services or property as necessary to accomplish its goals.

Section 6. Commission personnel matters

Subsection (a) prohibits compensation for members of the commission.

Subsection (b) allows travel expenses for commission members.

Subsection (c) allows the commission chairpersons to appoint, compensate, and terminate commission personnel, including an executive director who must be confirmed by the commission.

Subsection (d) allows federal employees to be detailed to the commission without reimbursement.

Subsection (e) allows the commission chairpersons to procure temporary and intermittent personnel services.

Section 7. Termination of commission

This section specifies that the commission will end 180 days after the submission of its reports to Congress.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered

the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 29, 2021.

Hon. GARY PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 2150, the Wildland Fire Mitigation and Management Commission Act of 2021.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Janani Shankaran.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

S. 2150, Wildland Fire Mitigation and Management Commission Act of 2021			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 14, 2021			
By Fiscal Year, Millions of Dollars	2022	2022-2026	2022-2031
Direct Spending (Outlays)	*	*	*
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	1	not estimated
Statutory pay-as-you-go procedures apply?	Yes	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2032?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between -\$500,000 and \$500,000.			

S. 2150 would direct the Department of the Interior, the Department of Agriculture, and the Federal Emergency Management Agency to jointly establish a commission composed of representatives from federal agencies and nonfederal members to study the prevention, suppression, and management of wildfires.

Under the bill, the commission would be required to meet monthly and, within one year of its first meeting, report to the Congress on federal spending related to wildfire management, wildfire response coordination between different levels of governments, and policy recommendations. The commission would terminate 180 days

after submitting that report. S. 2150 also would direct the Department of Defense to inventory surplus cargo and aircraft parts that could be used for aerial firefighting. Based on the costs of similar activities, CBO estimates that implementing the bill would cost \$1 million over the 2022–2026 period; any spending would be subject to the availability of appropriated funds.

S. 2150 would authorize the commission to accept, use, and dispose of donations of services and property. CBO expects that any proceeds, which would be classified in the budget as offsetting receipts or reductions in direct spending, from the disposal of donated property would be insignificant over the 2022–2031 period.

The CBO staff contact for this estimate is Janani Shankaran. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.