

SEC. 8. *Federal Advisory Committee Act.* The members of the Wildland Fire Subcabinet should, pursuant to and consistent with the Federal Advisory Committee Act, as amended ([former] 5 U.S.C. App.) [see 5 U.S.C. 1001 et seq.], and in the interest of obtaining advice or recommendations for the Wildland Fire Subcabinet, use their advisory committees, as appropriate.

SEC. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department or agency, or the head thereof; or
- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP.

§ 1748b–1. Wildfire technology modernization

(a) Purpose

The purpose of this section is to promote the use of the best available technology to enhance the effective and cost-efficient response to wildfires—

- (1) to meet applicable protection objectives; and
- (2) to increase the safety of—
 - (A) firefighters; and
 - (B) the public.

(b) Definitions

In this section:

(1) Secretaries

The term “Secretaries” means—

- (A) the Secretary of Agriculture; and
- (B) the Secretary.

(2) Secretary concerned

The term “Secretary concerned” means—

- (A) the Secretary of Agriculture, with respect to activities under the Department of Agriculture; and
- (B) the Secretary, with respect to activities under the Department of the Interior.

(c) Unmanned aircraft systems

(1) Definitions

In this subsection, the terms “unmanned aircraft” and “unmanned aircraft system” have the meanings given those terms in section 44801 of title 49.

(2) Establishment of program

Not later than 180 days after March 12, 2019, the Secretary, in consultation with the Secretary of Agriculture, shall establish a research, development, and testing program, or expand an applicable existing program, to assess unmanned aircraft system technologies, including optionally piloted aircraft, across the full range of wildland fire management operations in order to accelerate the deployment and integration of those technologies into the operations of the Secretaries.

(3) Expanding use of unmanned aircraft systems on wildfires

In carrying out the program established under paragraph (2), the Secretaries, in coordi-

nation with the Federal Aviation Administration, State wildland firefighting agencies, and other relevant Federal agencies, shall enter into an agreement under which the Secretaries shall develop consistent protocols and plans for the use on wildland fires of unmanned aircraft system technologies, including for the development of real-time maps of the location of wildland fires.

(d) Location systems for wildland firefighters

(1) In general

Not later than 2 years after March 12, 2019, subject to the availability of appropriations, the Secretaries, in coordination with State wildland firefighting agencies, shall jointly develop and operate a tracking system (referred to in this subsection as the “system”) to remotely locate the positions of fire resources for use by wildland firefighters, including, at a minimum, any fire resources assigned to Federal type 1 wildland fire incident management teams.

(2) Requirements

The system shall—

- (A) use the most practical and effective technology available to the Secretaries to remotely track the location of an active resource, such as a Global Positioning System;
- (B) depict the location of each fire resource on the applicable maps developed under subsection (c)(3);
- (C) operate continuously during the period for which any firefighting personnel are assigned to the applicable Federal wildland fire; and
- (D) be subject to such terms and conditions as the Secretary concerned determines necessary for the effective implementation of the system.

(3) Operation

The Secretary concerned shall—

- (A) before commencing operation of the system—
 - (i) conduct not fewer than 2 pilot projects relating to the operation, management, and effectiveness of the system; and
 - (ii) review the results of those pilot projects;
- (B) conduct training, and maintain a culture, such that an employee, officer, or contractor shall not rely on the system for safety; and
- (C) establish procedures for the collection, storage, and transfer of data collected under this subsection to ensure—
 - (i) data security; and
 - (ii) the privacy of wildland fire personnel.

(e) Wildland fire decision support

(1) Protocol

To the maximum extent practicable, the Secretaries shall ensure that wildland fire management activities conducted by the Secretaries, or conducted jointly by the Secretaries and State wildland firefighting agencies, achieve compliance with applicable inci-

dent management objectives in a manner that—

- (A) minimizes firefighter exposure to the lowest level necessary; and
- (B) reduces overall costs of wildfire incidents.

(2) Wildfire decision support system

(A) In general

The Secretaries, in coordination with State wildland firefighting agencies, shall establish a system or expand an existing system to track and monitor decisions made by the Secretaries or State wildland firefighting agencies in managing wildfires.

(B) Components

The system established or expanded under subparagraph (A) shall be able to alert the Secretaries if—

- (i) unusual costs are incurred;
- (ii) an action to be carried out would likely—
 - (I) endanger the safety of a firefighter; or
 - (II) be ineffective in meeting an applicable suppression or protection goal; or
- (iii) a decision regarding the management of a wildfire deviates from—
 - (I) an applicable protocol established by the Secretaries, including the requirement under paragraph (1); or
 - (II) an applicable spatial fire management plan or fire management plan of the Secretary concerned.

(f) Smoke projections from active wildland fires

The Secretaries shall establish a program, to be known as the “Interagency Wildland Fire Air Quality Response Program”, under which the Secretary concerned—

- (1) to the maximum extent practicable, shall assign 1 or more air resource advisors to a type 1 incident management team managing a Federal wildland fire; and
- (2) may assign 1 or more air resource advisors to a type 2 incident management team managing a wildland fire.

(g) Omitted

(h) Rapid Response Erosion Database

(1) In general

The Secretaries, in consultation with the Administrator of the National Aeronautics and Space Administration and the Secretary of Commerce, shall establish and maintain a database, to be known as the “Rapid Response Erosion Database” (referred to in this subsection as the “Database”).

(2) Open-source Database

(A) Availability

The Secretaries shall make the Database (including the original source code)—

- (i) web-based; and
- (ii) available without charge.

(B) Components

To the maximum extent practicable, the Database shall provide for—

- (i) the automatic incorporation of spatial data relating to vegetation, soils, and

elevation into an applicable map created by the Secretary concerned that depicts the changes in land-cover and soil properties caused by a wildland fire; and

- (ii) the generation of a composite map that can be used by the Secretary concerned to model the effectiveness of treatments in the burned area to prevent flooding, erosion, and landslides under a range of weather scenarios.

(3) Use

The Secretary concerned shall use the Database, as applicable, in developing recommendations for emergency stabilization treatments or modifications to drainage structures to protect values-at-risk following a wildland fire.

(4) Coordination

The Secretaries may share the Database, and any results generated in using the Database, with any State or unit of local government.

(i) Predicting where wildfires will start

(1) In general

The Secretaries, in consultation with the Administrator of the National Aeronautics and Space Administration, the Secretary of Energy, and the Secretary of Commerce, through the capabilities and assets located at the National Laboratories, shall establish and maintain a system to predict the locations of future wildfires for fire-prone areas of the United States.

(2) Cooperation; components

The system established under paragraph (1) shall be based on, and seek to enhance, similar systems in existence on March 12, 2019, including the Fire Danger Assessment System.

(3) Use in forecasts

Not later than 1 year after March 12, 2019, the Secretaries shall use the system established under paragraph (1), to the maximum extent practicable, for purposes of developing any wildland fire potential forecasts.

(4) Coordination

The Secretaries may share the system established under paragraph (1), and any results generated in using the system, with any State or unit of local government.

(j) Termination of authority

The authority provided by this section terminates on the date that is 10 years after March 12, 2019.

(k) Savings clause

Nothing in this section—

- (1) requires the Secretary concerned to establish a new program, system, or database to replace an existing program, system, or database that meets the objectives of this section; or

- (2) precludes the Secretary concerned from using existing or future technology that—

- (A) is more efficient, safer, or better meets the needs of firefighters, other personnel, or the public; and

(B) meets the objectives of this section.
(Pub. L. 116–9, title I, §1114, Mar. 12, 2019, 133 Stat. 615.)

Editorial Notes

CODIFICATION

Section is comprised of section 1114 of Pub. L. 116–9. Subsec. (g) of section 1114 of Pub. L. 116–9 amended section 2208 of Title 15, Commerce and Trade.

Statutory Notes and Related Subsidiaries

DEFINITION OF “SECRETARY”

“Secretary” means the Secretary of the Interior, see section 2 of Pub. L. 116–9, set out as a note under section 1 of Title 16, Conservation.

§ 1748c. Bureau of Land Management Foundation

(a) Definitions

In this section:

(1) Board

The term “Board” means the Board of Directors of the Foundation established under subsection (c).

(2) Foundation

The term “Foundation” means the Bureau of Land Management Foundation established by subsection (b)(1)(A).

(3) Public land

The term “public land” has the meaning given the term “public lands” in section 1702 of this title.

(4) Secretary

The term “Secretary” means the Secretary of the Interior.

(5) Wild free-roaming horses and burros

The term “wild free-roaming horses and burros” has the meaning given the term in section 1332 of title 16.

(b) Establishment and purposes

(1) Establishment

(A) In general

There is established a foundation, to be known as the “Bureau of Land Management Foundation”.

(B) Limitation

The Foundation shall not be considered to be an agency or establishment of the United States.

(C) Tax exemption

The Foundation shall be considered to be a charitable and nonprofit corporation under section 501(c)(3) of title 26.

(2) Purposes

The purposes of the Foundation are—

(A) to encourage, accept, and administer private gifts of money and real and personal property for the benefit of, or in connection with the activities and services of, the Bureau of Land Management;

(B) to carry out activities that advance the purposes for which public land is administered;

(C) to carry out and encourage educational, technical, scientific, and other assistance or activities that support the mission of the Bureau of Land Management; and

(D) to assist the Bureau of Land Management with challenges that could be better addressed with the support of a foundation, including—

(i) reclamation and conservation activities;

(ii) activities relating to wild free-roaming horses and burros; and

(iii) the stewardship of cultural and archaeological treasures on public land.

(c) Board of Directors

(1) Establishment

(A) In general

The Foundation shall be governed by a Board of Directors.

(B) Composition

(i) In general

The Board shall consist of not more than 9 members.

(ii) Ex-officio member

The Director of the Bureau of Land Management shall be an ex-officio, nonvoting member of the Board.

(C) Requirements

(i) Citizenship

A member appointed to the Board shall be a citizen of the United States.

(ii) Expertise

A majority of members appointed to the Board shall have education or experience relating to natural, cultural, conservation, or other resource management, law, or research.

(iii) Diverse points of view

To the maximum extent practicable, the members of the Board shall represent diverse points of view.

(2) Date of initial appointment

Not later than 1 year after May 5, 2017, the Secretary shall appoint the initial members of the Board.

(3) Terms

(A) In general

Except as provided in subparagraph (B), a member of the Board shall be appointed for a term of 6 years.

(B) Initial appointments

The Secretary shall stagger the initial appointments to the Board, as the Secretary determines to be appropriate, in a manner that ensures that—

(i) 1/3 of the members shall serve for a term of 2 years;

(ii) 1/3 of the members shall serve for a term of 4 years; and

(iii) 1/3 of the members shall serve for a term of 6 years.

(C) Vacancies

A vacancy on the Board shall be filled—