

110th CONGRESS
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H. R. 5541

To provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

March 6, 2008

Mr. RAHALL (for himself, Mr. GRIJALVA, and Mr. DICKS) introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture and Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide a supplemental funding source for catastrophic emergency wildland fire suppression activities on Department of the Interior and National Forest System lands, to require the Secretary of the Interior and the Secretary of Agriculture to develop a cohesive wildland fire management strategy, 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 'Federal Land Assistance, Management and Enhancement Act' or 'FLAME Act'.

SEC. 2. FLAME FUND FOR CATASTROPHIC EMERGENCY WILDLAND FIRE SUPPRESSION ACTIVITIES.

(a) Definitions- In this section:

(1) FEDERAL LAND- The term `Federal land' means the following:

(A) Public lands, as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702).

(B) Units of the National Park System.

(C) Refuges of the National Wildlife Refuge System.

(D) Lands held in trust by the United States for the benefit of Indian tribes or individual Indians.

(E) Lands in the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(2) FLAME FUND- The term `Flame Fund' means the Federal Land Assistance, Management, and Enhancement Fund established by this section.

(3) SECRETARY CONCERNED- The term `Secretary concerned' means--

(A) the Secretary of the Interior, with respect to Federal land described in subparagraphs (A), (B), (C), and (E) of paragraph (1); and

(B) the Secretary of Agriculture, with respect to National Forest System land.

(4) SECRETARIES- The term `Secretaries' means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(b) Establishment and Availability of Flame Fund-

(1) ESTABLISHMENT- There is established in the Treasury of the United States a fund to be known as the Federal Land Assistance, Management, and Enhancement Fund.

(2) CONTENTS- The Flame Fund shall consist of the following amounts:

(A) Amounts appropriated to the Flame Fund pursuant to the authorization of appropriations in subsection (c).

(B) Amounts transferred to the Flame Fund pursuant to subsection (d).

(C) Any interest earned on investment of amounts in the Flame Fund under paragraph (4).

(3) AVAILABILITY- Subject to subsection (e), amounts in the Flame Fund shall be available to the Secretaries to pay the costs of catastrophic emergency wildland fire suppression activities that are separate from amounts annually appropriated to the Secretaries for the predicted annual workload for wildland fire suppression activities, based on analyses of historical workloads and anticipated increased workloads due to changing environmental or demographic conditions.

(4) INVESTMENT AUTHORITY- The Secretary of the Treasury shall invest such portion of the assets of the Flame Fund as the Secretary of the Treasury determines is not required to meet anticipated withdrawals during the then-current fiscal year or the next fiscal year. Investments may be made only in interest-bearing obligations of the United States.

(c) Authorization of Appropriations-

(1) AUTHORIZATION OF APPROPRIATIONS- There is authorized to be appropriated to the Flame Fund for fiscal year 2009 and each subsequent fiscal year an amount equal to the average amount expended by the Secretaries for emergency wildland fire suppression activities over the five preceding fiscal years.

(2) EMERGENCY DESIGNATION- Amounts appropriated to the Flame Fund for fiscal year 2009 are designated as an emergency requirement pursuant to section 501 of H. Con. Res. 376 (109th Congress), as made applicable to the House of Representatives by section 511(a)(4) of H. Res. 6 (110th Congress), and for subsequent fiscal years pursuant to corresponding congressional resolutions authorizing the designation of emergency spending.

(d) Transfer of Excess Wildland Fire Suppression Amounts Into Flame Fund- At the end of each fiscal year, the Secretary concerned shall transfer to the Flame Fund amounts appropriated to the Secretary concerned for wildland fire suppression activities for the fiscal year, but not obligated for wildland fire suppression activities before the end of the fiscal year.

(e) Use of Flame Fund-

(1) DECLARATION REQUIRED- Amounts in the Flame Fund shall be made available to the Secretary concerned only after the

Secretaries issue a declaration that a wildland fire suppression activity is eligible for funding through the Flame Fund.

(2) DECLARATION CRITERIA- A declaration by the Secretaries under paragraph (1) shall be based on the following criteria:

(A) In the case of an individual wildland fire incident--

(i) the size of the fire, including fires of 300 acres or greater;

(ii) the severity of the fire, which may be based on incident complexity or the potential for increased complexity; and

(iii) the threat posed by the fire, including the potential for loss of lives, property, or critical resources.

(B) In the case of a firefighting season, cumulative wildland fire suppression activities, when the costs of those activities for the Secretary concerned are projected to exceed amounts annually appropriated.

(3) TRANSFER OF AMOUNTS TO SECRETARY CONCERNED- After issuance of a declaration under paragraph (1) and upon the request of the Secretary concerned, the Secretary of the Treasury shall transfer from the Flame Fund to the Secretary concerned such amounts as the Secretaries determine are necessary for wildland fire suppression activities associated with the declared suppression emergency.

(4) STATE, PRIVATE, AND TRIBAL LAND- Use of the Flame Fund for catastrophic emergency wildland fire suppression activities on State and private land and, where applicable, tribal land shall be consistent with existing agreements where the Secretaries have agreed to assume responsibility for wildland fire suppression activities on the land.

(f) Treatment of Anticipated and Predicted Activities- Notwithstanding the establishment of the Flame Fund, the Secretary concerned shall continue to fund anticipated and predicted wildland fire suppression activities within the appropriate agency budget for each fiscal year. Use of the additional funding made available through the Flame Fund is intended to supplement the budgeted and appropriated agency funding and is to be used only for purposes and in instances consistent with this section.

(g) Prohibition on Other Transfers- All amounts in the Flame Fund, as well as all funds appropriated for the purpose of wildland fire suppression on Federal land, must be obligated before the Secretary concerned may transfer funds from non-fire accounts for wildland fire suppression.

(h) Accounting and Reports-

(1) ACCOUNTING AND REPORTING SYSTEM- The Secretaries shall establish an accounting and reporting system for the Flame Fund compatible with existing National Fire Plan reporting procedures.

(2) ANNUAL REPORT- The Secretaries shall submit to the Committee on Natural Resources and the Committee on Appropriations of the House of Representatives and the Committee on Energy and Natural Resources, the Committee on Indian Affairs, and the Committee on Appropriations of the Senate an annual report on the use of the funds from the Flame Fund, together with any recommendations that the Secretaries may have to improve the administrative control and oversight of the Flame Fund.

SEC. 3. COHESIVE WILDLAND FIRE MANAGEMENT STRATEGY.

(a) Strategy Required- Not later than one year after the date of the enactment of this Act, the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a report that contains a cohesive wildland fire management strategy, consistent with the recommendations contained in recent Comptroller General reports regarding this issue.

(b) Elements of Strategy- The strategy required by subsection (a) shall address the findings of the Comptroller General in the reports referred to in such subsection and include the following elements:

(1) A system to identify the most cost effective means for allocating fire management budget resources.

(2) An illustration of plans by the Secretary of the Interior and the Secretary of Agriculture to reinvest in non-fire programs.

(3) A description of how the Secretaries will employ appropriate management response.

(4) A system for assessing the level of risk to communities.

(5) A system to ensure that the highest priority fuels reduction projects are being funded first.

END