

AMENDMENT NO. _____ Calendar No. _____

Purpose: To provide funds for the Flame Fund.

IN THE SENATE OF THE UNITED STATES—111th Cong., 1st Sess.

H. R. 2996

AMENDMENT NO 2493

Ma. **By** BINGAMAN - Others **terior,**
To: HR 2996 **1 year**
poses.

R 11 **and**
Page(s)

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AMENDMENTS intended to be proposed by Mr. BINGAMAN (for himself, Ms. MURKOWSKI, Mrs. BOXER, Mr. WYDEN, Mr. UDALL of New Mexico, Mr. TESTER, Ms. CANTWELL, Mr. UDALL of Colorado, Mr. MERKLEY, Mr. BENNET, and Mr. JOHNSON)

Viz:

1 On page 159, line 25, strike "\$979,637,000" and in-
2 sert "\$904,637,000".

3 On page 197, line 11, strike " \$2,586,637,000" and
4 insert "\$1,827,637,000".

1 On page 240, between lines 13 and 14, insert the fol-
2 lowing:

3 **SEC. 423. FLAME FUND FOR EMERGENCY WILDFIRE SUP-**
4 **PRESSION ACTIVITIES.**

5 (a) DEFINITIONS.—In this section:

6 (1) FEDERAL LAND.—The term “Federal land”
7 means—

8 (A) public land, as defined in section 103
9 of the Federal Land Policy and Management
10 Act of 1976 (43 U.S.C. 1702);

11 (B) units of the National Park System;

12 (C) refuges of the National Wildlife Refuge
13 System;

14 (D) land held in trust by the United States
15 for the benefit of Indian tribes or members of
16 an Indian tribe; and

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

21 (2) FLAME FUND.—The term “Flame Fund”
22 means the Federal Land Assistance, Management,
23 and Enhancement Fund established by subsection
24 (b).

1 (3) SECRETARIES.—The term “Secretaries”
2 means the Secretary of the Interior and the Sec-
3 retary of Agriculture, acting jointly.

4 (4) SECRETARY CONCERNED.—The term “Sec-
5 retary concerned” means—

6 (A) the Secretary of the Interior, with re-
7 spect to Federal land described in subpara-
8 graphs (A), (B), (C), and (D) of paragraph (1);
9 and

10 (B) the Secretary of Agriculture, with re-
11 spect to National Forest System land.

12 (b) ESTABLISHMENT OF FLAME FUND.—There is es-
13 tablished in the Treasury of the United States a fund to
14 be known as the “Federal Land Assistance, Management,
15 and Enhancement Fund”, consisting of—

16 (1) such amounts as are appropriated to the
17 Flame Fund; and

18 (2) such amounts as are transferred to the
19 Flame Fund under subsection (d).

20 (c) FUNDING.—

21 (1) AUTHORIZATION OF APPROPRIATIONS.—

22 (A) IN GENERAL.—There are authorized to
23 be appropriated to the Flame Fund such
24 amounts as are necessary to carry out this sec-
25 tion.

1 (B) CONGRESSIONAL INTENT.—It is the
2 intent of Congress that the amounts appro-
3 priated to the Flame Fund for each fiscal year
4 should be not less than the combined average
5 amount expended by each Secretary concerned
6 for emergency wildfire suppression activities
7 over the 5 fiscal years preceding the fiscal year
8 for which amounts are appropriated.

9 (C) AVAILABILITY.—Amounts appro-
10 priated to the Flame Fund shall remain avail-
11 able until expended.

12 (2) APPROPRIATION.—There is appropriated to
13 the Flame Fund, out of funds of the Treasury not
14 otherwise appropriated, \$834,000,000.

15 (3) SENSE OF CONGRESS ON DESIGNATION OF
16 FLAME FUND APPROPRIATIONS AS EMERGENCY RE-
17 QUIREMENT.—It is the sense of Congress that—

18 (A) further amounts appropriated to the
19 Flame Fund should be designated as amounts
20 necessary to meet emergency needs; and

21 (B) the new budget authority and outlays
22 resulting from the appropriations should not be
23 considered for the purposes of titles III and IV
24 of the Congressional Budget Act of 1974 (2
25 U.S.C. 631 et seq.).

1 (4) NOTICE OF INSUFFICIENT FUNDS.—The
2 Secretaries shall notify the congressional committees
3 described in subsection (h)(2) if the Secretaries esti-
4 mate that only 60 days worth of funding remains in
5 the Flame Fund.

6 (d) TRANSFER OF EXCESS WILDFIRE SUPPRESSION
7 AMOUNTS INTO FLAME FUND.—At the end of each fiscal
8 year, the Secretary concerned shall transfer to the Flame
9 Fund amounts that—

10 (1) are appropriated to the Secretary concerned
11 for wildfire suppression activities for the fiscal year;
12 but

13 (2) are not obligated for wildfire suppression
14 activities before the end of the fiscal year.

15 (e) USE OF FLAME FUND.—

16 (1) IN GENERAL.—Subject to paragraphs (2),
17 (3), and (4), amounts in the Flame Fund shall be
18 available to the Secretary concerned to pay the costs
19 of emergency wildfire suppression activities that are
20 separate from amounts annually appropriated to the
21 Secretary concerned for routine wildfire suppression
22 activities.

23 (2) DECLARATION REQUIRED.—

24 (A) IN GENERAL.—Amounts in the Flame
25 Fund shall be made available to the Secretary

1 concerned only after the Secretaries issue a dec-
2 laration that a wildfire suppression activity is
3 eligible for funding from the Flame Fund.

4 (B) DECLARATION CRITERIA.—A declara-
5 tion by the Secretaries under subparagraph (A)
6 may be issued only if—

7 (i) in the case of an individual wildfire
8 incident—

9 (I) the fire covers 300 or more
10 acres; and

11 (II) the Secretaries determine
12 that the fire has required an emer-
13 gency Federal response based on the
14 significant complexity, severity, or
15 threat posed by the fire to human life,
16 property, or resources; or

17 (ii) the cumulative costs of wildfire
18 suppression activities for the Secretary
19 concerned have exceeded the amounts ap-
20 propriated to the Secretary concerned for
21 those activities (not including funds depos-
22 ited in the Flame Fund).

23 (3) TRANSFER OF AMOUNTS TO SECRETARY
24 CONCERNED.—After issuance of a declaration under
25 paragraph (2) and on request of the Secretary con-

1 cerned, the Secretary of the Treasury shall transfer
2 from the Flame Fund to the Secretary concerned
3 such amounts as the Secretaries determine are nec-
4 essary for wildfire suppression activities associated
5 with the declaration.

6 (4) STATE, PRIVATE, AND TRIBAL LAND.—Use
7 of the Flame Fund for emergency wildfire suppres-
8 sion activities on State land, private land, and tribal
9 land shall be consistent with any existing agree-
10 ments in which the Secretary concerned has agreed
11 to assume responsibility for wildfire suppression ac-
12 tivities on the land.

13 (f) TREATMENT OF ANTICIPATED AND PREDICTED
14 ACTIVITIES.—

15 (1) IN GENERAL.—Subject to subsection
16 (e)(2)(B)(ii), the Secretary concerned shall continue
17 to fund routine wildfire suppression activities within
18 the appropriate agency budget for each fiscal year.

19 (2) CONGRESSIONAL INTENT.—It is the intent
20 of Congress that funding made available through the
21 Flame Fund be used—

22 (A) to supplement the funding otherwise
23 appropriated to the Secretary concerned; and

24 (B) only for purposes in, and instances
25 consistent with, this section.

1 (g) PROHIBITION ON OTHER TRANSFERS.—Any
2 amounts in the Flame Fund and any amounts appro-
3 priated for the purpose of wildfire suppression on Federal
4 land shall be obligated before the Secretary concerned may
5 transfer funds from non-fire accounts for wildfire suppres-
6 sion.

7 (h) ACCOUNTING AND REPORTS.—

8 (1) ACCOUNTING AND REPORTING SYSTEM.—
9 The Secretaries shall establish an accounting and re-
10 porting system for the Flame Fund that is compat-
11 ible with existing National Fire Plan reporting pro-
12 cedures.

13 (2) ANNUAL REPORT.—Annually, the Secre-
14 taries shall submit to the Committee on Natural Re-
15 sources, the Committee on Agriculture, and the
16 Committee on Appropriations of the House of Rep-
17 resentatives and the Committee on Energy and Nat-
18 ural Resources, the Committee on Indian Affairs,
19 and the Committee on Appropriations of the Senate
20 and make available to the public a report that—

21 (A) describes the use of amounts from the
22 Flame Fund; and

23 (B) includes any recommendations that the
24 Secretaries may have to improve the adminis-

1 trative control and oversight of the Flame
2 Fund.

3 (3) ESTIMATES OF WILDFIRE SUPPRESSION
4 COSTS TO IMPROVE BUDGETING AND FUNDING.—

5 (A) IN GENERAL.—Consistent with the
6 schedule provided in subparagraph (C), the Sec-
7 retaries shall submit to the committees de-
8 scribed in paragraph (2) an estimate of antici-
9 pated wildfire suppression costs for the applica-
10 ble fiscal year and the subsequent fiscal year.

11 (B) PEER REVIEW.—The methodology for
12 developing the estimates under subparagraph
13 (A) shall be subject to periodic peer review to
14 ensure compliance with subparagraph (D).

15 (C) SCHEDULE.—The Secretaries shall
16 submit an estimate under subparagraph (A)
17 during—

18 (i) the first week of February of each
19 year;

20 (ii) the first week of April of each
21 year;

22 (iii) the first week of July of each
23 year; and

24 (iv) if a bill making appropriations for
25 the Department of the Interior and the

1 Forest Service for the following fiscal year
2 has not been enacted by September 1, the
3 first week of September of each year.

4 (D) REQUIREMENTS.—An estimate of an-
5 ticipated wildfire suppression costs shall be de-
6 veloped using the best available—

7 (i) climate, weather, and other rel-
8 evant data; and

9 (ii) models and other analytic tools.

10 (i) TERMINATION OF AUTHORITY.—The authority
11 under this section shall terminate at the end of the third
12 fiscal year in which no appropriations to or withdrawals
13 from the Flame Fund have been made for a period of 3
14 consecutive fiscal years.

15 **SEC. 424. COHESIVE WILDFIRE MANAGEMENT STRATEGY.**

16 (a) STRATEGY REQUIRED.—Not later than 1 year
17 after the date of enactment of this Act, the Secretary of
18 the Interior and the Secretary of Agriculture, acting joint-
19 ly, shall submit to Congress a report that contains a cohe-
20 sive wildfire management strategy, consistent with the rec-
21 ommendations described in recent reports of the Govern-
22 ment Accountability Office regarding management strate-
23 gies.

24 (b) ELEMENTS OF STRATEGY.—The strategy re-
25 quired by subsection (a) shall provide for—

1 (1) the identification of the most cost-effective
2 means for allocating fire management budget re-
3 sources;

4 (2) the reinvestment in non-fire programs by
5 the Secretary of the Interior and the Secretary of
6 Agriculture;

7 (3) employing the appropriate management re-
8 sponse to wildfires;

9 (4) assessing the level of risk to communities;

10 (5) the allocation of hazardous fuels reduction
11 funds based on the priority of hazardous fuels reduc-
12 tion projects;

13 (6) assessing the impacts of climate change on
14 the frequency and severity of wildfire; and

15 (7) studying the effects of invasive species on
16 wildfire risk.

17 (c) REVISION.—At least once during each 5-year pe-
18 riod beginning on the date of the submission of the cohe-
19 sive wildfire management strategy under subsection (a),
20 the Secretaries shall revise the strategy submitted under
21 that subsection to address any changes affecting the strat-
22 egy, including changes with respect to landscape, vegeta-
23 tion, climate, and weather.