

104TH CONGRESS  
2D SESSION

# S. 2078

To authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1996

Mr. BINGAMAN (for himself, Mr. KEMPTHORNE, and Mr. CRAIG) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildfire Suppression  
5 Aircraft Transfer Act of 1996”.

6 **SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR**  
7 **WILDFIRE SUPPRESSION PURPOSES.**

8 (a) **AUTHORITY.**—(1) Notwithstanding section 202 of  
9 the Federal Property and Administrative Services Act of  
10 1949 (40 U.S.C. 483) and subject to subsections (b) and

1 (c), the Secretary of Defense may sell the aircraft and air-  
2 craft parts referred to in paragraph (2) to persons or enti-  
3 ties that contract with the Federal Government for the  
4 delivery of fire retardant by air in order to suppress wild-  
5 fire.

6 (2) Paragraph (1) applies to aircraft and aircraft  
7 parts of the Department of Defense that are—

8 (A) excess to Department; and

9 (B) acceptable for commercial sale.

10 (b) CONDITION OF SALE.—Aircraft and aircraft  
11 parts sold under subsection (a) may be used only for the  
12 provision of airtanker services for wildfire suppression  
13 purposes.

14 (c) CERTIFICATION OF PERSONS AND ENTITIES.—  
15 The Secretary of Defense may sell aircraft and aircraft  
16 parts to a person or entity under subsection (a) only if  
17 the Secretary of Agriculture certifies to the Secretary of  
18 Defense, in writing, before the sale that the person or en-  
19 tity is capable of meeting the terms and conditions of a  
20 contract to deliver fire retardant by air.

21 (d) ADDITIONAL TERMS AND CONDITIONS.—The  
22 Secretary of Defense may require such terms and condi-  
23 tions in connection with each sale of aircraft and aircraft  
24 parts under this section as the Secretary considers appro-  
25 priate for such sale. Such terms and conditions shall meet

1 the requirements of regulations prescribed by the Sec-  
2 retary, in consultation with the Secretary of Agriculture,  
3 the Administrator of General Services, and the heads of  
4 such other agencies as the Secretary of Defense considers  
5 appropriate. The Secretary of Defense shall prescribe such  
6 regulations as soon as practicable after the date of the  
7 enactment of this Act.

8 (e) CONSTRUCTION.—Nothing in this section may be  
9 construed as affecting the authority of the Administrator  
10 of the Federal Aviation Administration under any other  
11 provision of law.

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