

114TH CONGRESS
1ST SESSION

S. 1437

To amend title 32, United States Code, to authorize and provide flexibility for the use of the National Guard for support of civilian firefighting activities.

IN THE SENATE OF THE UNITED STATES

MAY 21, 2015

Mr. BARRASSO (for himself, Mrs. FEINSTEIN, Mr. TILLIS, Mrs. BOXER, Mr. ENZI, and Mr. BURR) introduced the following bill; which was read twice and referred to the Committee on Armed Services

A BILL

To amend title 32, United States Code, to authorize and provide flexibility for the use of the National Guard for support of civilian firefighting activities.

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 “Modular Airborne
5 Firefighting System Flexibility Act”.

6 **SEC. 2. USE OF THE NATIONAL GUARD FOR SUPPORT OF**
7 **CIVILIAN FIREFIGHTING ACTIVITIES.**

8 (a) OPERATIONAL USE AUTHORIZED.—

1 (1) IN GENERAL.—Chapter 1 of title 32, United
2 States Code, is amended by adding at the end the
3 following new section:

4 **“§ 116. Operational use: support for civilian fire-**
5 **fighting activities**

6 “(a) BASIS OF AUTHORITY.—The authority in this
7 section is based on a recognition of the basic premises of
8 the National Incident Management System and the Na-
9 tional Response Framework that—

10 “(1) incidents are typically managed at the
11 local level first; and

12 “(2) local jurisdictions retain command, control,
13 and authority over response activities for their juris-
14 dictional areas.

15 “(b) ASSISTANCE TO CIVILIAN FIREFIGHTING ORGA-
16 NIZATIONS AUTHORIZED.—Members and units of the Na-
17 tional Guard are authorized to support firefighting oper-
18 ations, missions, or activities, including aerial firefighting
19 employment of the Modular Airborne Firefighting System
20 (MAFFS), undertaken in support of a Federal or State
21 agency or other civilian authority.

22 “(c) ROLE OF GOVERNOR AND STATE ADJUTANT
23 GENERAL.—For the purposes of subsection (a)—

24 “(1) the Governor of a State shall be the prin-
25 cipal civilian authority; and

1 “(2) the adjutant general of the State—

2 “(A) shall be the principal military author-
3 ity, when acting in the adjutant general’s State
4 capacity; and

5 “(B) has the primary authority to mobilize
6 members and units of the National Guard of
7 the State in any duty status under this title the
8 adjutant general considers appropriate to em-
9 ploy necessary forces when funds to perform
10 such operations, missions, or activities are reim-
11 bursed.”.

12 (2) CLERICAL AMENDMENT.—The table of sec-
13 tions at the beginning of chapter 1 of such title is
14 amended by adding at the end the following new
15 item:

“116. Operational use: support for civilian firefighting activities.”.

16 (b) ACTIVE GUARD AND RESERVE (AGR) SUP-
17 PORT.—Section 328(b) of such title is amended by insert-
18 ing “duty as specified in section 116(b) of this title or
19 may perform” after “subsection (a) may perform”.

20 (c) FEDERAL TECHNICIAN SUPPORT.—Section
21 709(a)(3) of such is amended by inserting “duty as speci-
22 fied in section 116(b) of this title or” after “the perform-
23 ance of” the first place it appears.

- 1 (1) To authorize and provide flexibility for the
- 2 use of the National Guard for support of civilian
- 3 firefighting activities.

