

117TH CONGRESS
2D SESSION

S. 4935

To require the Secretary of the Interior and the Secretary of Agriculture to implement measures to better prepare for and more quickly respond to wildfires on certain public land and in certain National Forests.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 22, 2022

Mr. MANCHIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To require the Secretary of the Interior and the Secretary of Agriculture to implement measures to better prepare for and more quickly respond to wildfires on certain public land and in certain National Forests.

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 “More Hasty Response
5 to Firefighting Act of 2022”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) INITIAL ATTACK.—The term “initial at-
2 tack” means an aggressive action to put a fire out
3 by the first resources to arrive, consistent with fire-
4 fighter and public safety and values to be protected.

5 (2) NATIONAL FOREST.—The term “National
6 Forest” means a unit of the National Forest System
7 located west of the 100th meridian.

8 (3) PUBLIC LAND.—The term “public land”
9 has the meaning given the term “public lands” in
10 section 103 of the Federal Land Policy and Manage-
11 ment Act of 1976 (43 U.S.C. 1702).

12 (4) QUALIFYING UNIT.—The term “qualifying
13 unit” means a National Forest or unit of public land
14 for which the Secretary concerned has developed po-
15 tential operational delineations for wildfires.

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

18 (A) the Secretary of Agriculture, acting
19 through the Chief of the Forest Service, with
20 respect to a National Forest; and

21 (B) the Secretary of the Interior, with re-
22 spect to public land.

23 **SEC. 3. NOTIFICATION AND TRAINING.**

24 (a) IN GENERAL.—With respect to each qualifying
25 unit, the Secretary concerned shall—

1 (1) notify each person who is authorized to
2 carry out timber harvesting work or vegetation man-
3 agement work within the boundaries of the quali-
4 fying unit of—

5 (A) the strategic response zone in which
6 the contractor is authorized to carry out the
7 work;

8 (B) the potential-fire response strategy de-
9 veloped for that strategic response zone;

10 (C) each training offered under paragraph
11 (2); and

12 (D) the financial incentive established
13 under paragraph (3) for attending that train-
14 ing;

15 (2) in coordination with the National Wildfire
16 Coordinating Group, offer a 1-day training in the vi-
17 cinity of that qualifying unit each fiscal year, begin-
18 ning with fiscal year 2024, in basic firefighting safe-
19 ty and resource protection, specifically for persons
20 who routinely carry out timber harvesting work or
21 vegetation management work; and

22 (3) provide, not more frequently than once per
23 fiscal year for fiscal year 2024 and each fiscal year
24 thereafter, \$1,000 to each company described in
25 subsection (b).

1 (b) COMPANY DESCRIBED.—A company referred to
2 in subsection (a)(3) is a company—

3 (1) to which the Administrator of General Serv-
4 ices has assigned a Unique Entity Identifier;

5 (2) that—

6 (A) has placed not fewer than 1 bid to
7 carry out timber harvesting work or vegetation
8 management work within the boundaries of a
9 qualifying unit during the previous fiscal year;
10 or

11 (B) is authorized to carry out timber har-
12 vesting work or vegetation management work
13 within the boundaries of a qualifying unit dur-
14 ing that fiscal year;

15 (3) each of the employees of which that may
16 carry out timber harvesting work or vegetation man-
17 agement work within the boundaries of a qualifying
18 unit attends a training offered under subsection
19 (a)(2); and

20 (4) that submits to the Secretary concerned a
21 certification of attendance described in paragraph
22 (3) at such time and in such manner as the Sec-
23 retary concerned may prescribe.

1 **SEC. 4. INITIAL ATTACK OF WILDFIRES BY TRAINED PER-**
2 **SONS.**

3 (a) **IN GENERAL.**—Notwithstanding any other provi-
4 sion of law (including regulations), on discovery of a wild-
5 fire within the boundaries of a qualifying unit by a person
6 described in subsection (b), the person may undertake ini-
7 tial attack within the qualifying unit on the wildfire, in-
8 cluding suppressing, containing, or extinguishing the wild-
9 fire, if—

10 (1) the person has completed a training offered
11 under section 3(a)(2) or a similar training, as deter-
12 mined by the Secretary concerned;

13 (2) the total area burned by the wildfire is ap-
14 proximately 5 acres or less in size; and

15 (3) the initial attack on the wildfire is con-
16 sistent with the potential-fire response strategy for
17 the strategic response zone in which the wildfire is
18 occurring.

19 (b) **PERSON DESCRIBED.**—A person referred to in
20 subsection (a) is—

21 (1) a person described in section 3(a)(1);

22 (2) a landowner who—

23 (A) owns not fewer than 1,000 acres of
24 land adjacent to a qualifying unit; and

25 (B) routinely carries out timber harvesting
26 work or vegetation management work; or

1 (3) an employee of a landowner described in
2 paragraph (2) the employment of whom relates to
3 timber harvesting work or vegetation management
4 work on the land described in that paragraph.

5 (c) NOTIFICATION REQUIREMENT.—If a person un-
6 dertakes an initial attack authorized under subsection (a),
7 the person, to the maximum extent practicable, shall im-
8 mediately—

9 (1) alert the local emergency dispatch center;
10 and

11 (2) notify the Secretary concerned of—

12 (A) the location of the wildfire; and

13 (B) the initial attack being undertaken.

14 (d) REIMBURSEMENT OF COSTS.—The Secretary
15 concerned shall not provide reimbursement or compensa-
16 tion to a person for undertaking an initial attack author-
17 ized under subsection (a).

18 (e) LIABILITY.—

19 (1) LIABILITY OF PERSONS.—A person under-
20 taking an initial attack authorized under subsection
21 (a) shall not be subject to enforcement, civil or
22 criminal penalties, citizen suits, or any other liability
23 (including any liability for response costs, damage to
24 natural resources, or contribution) for undertaking
25 the initial attack.

1 (2) LIABILITY OF THE FEDERAL GOVERN-
2 MENT.—The Secretary concerned shall not be liable
3 for an initial attack undertaken by a person pursu-
4 ant to subsection (a).

5 (3) SAVINGS CLAUSE.—Nothing in paragraph
6 (1) limits the liability of—

7 (A) any person not authorized to under-
8 take an initial attack under subsection (a);

9 (B) a person that was responsible for
10 starting the applicable fire; or

11 (C) a person described in section 3(a)(1)
12 that was not in compliance with the terms of
13 the authorization to carry out timber harvesting
14 work or vegetation management work provided
15 by the Secretary concerned.

16 **SEC. 5. FIRE PREVENTION MEASURES.**

17 As part of an authorization to carry out timber har-
18 vesting work or vegetation management work within the
19 boundaries of a qualifying unit, the Secretary concerned
20 shall—

21 (1) establish and operate a decision support
22 tool, to be known as a “project activity level”, to
23 support regulation for fire prevention purposes of an
24 authorized party carrying out timber harvesting

1 work or vegetation management work within the
2 boundaries of the qualifying unit; and

3 (2) require the authorized party to have appro-
4 priate personnel, tools, and equipment onsite and
5 immediately available for suppressing operations
6 fires, negligent fires, and other fires in the work
7 area.

8 **SEC. 6. STATE AND LOCAL AGENCY RESPONSE.**

9 (a) IN GENERAL.—The Secretary concerned may—

10 (1) authorize any State or local firefighting
11 agency to undertake initial attack on a wildfire de-
12 scribed in subsection (b), including suppressing, con-
13 taining, or extinguishing the wildfire, without fur-
14 ther approval by the Secretary concerned, if con-
15 sistent with the potential-fire response strategy for
16 the strategic response zone in which the wildfire is
17 occurring; and

18 (2) enter into partnerships with State and local
19 firefighting agencies to dispatch multiple firefighting
20 resources located near a wildfire described in sub-
21 section (b) to undertake initial attack on the wild-
22 fire, including suppressing, containing, or extin-
23 guishing the wildfire, if consistent with the potential-
24 fire response strategy for the strategic response zone
25 in which the wildfire is occurring.

1 (b) WILDFIRE DESCRIBED.—A wildfire referred to in
2 subsection (a) is a wildfire that—

3 (1) is located within the boundaries of a quali-
4 fying unit; and

5 (2) has burned not more than approximately 10
6 acres.

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