

EMERGENCY WILDFIRE FIGHTING TECHNOLOGY ACT OF
2023

SEPTEMBER 8, 2023.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. WESTERMAN, from the Committee on Natural Resources,
submitted the following

R E P O R T

[To accompany H.R. 3389]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3389) to require the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior to conduct an evaluation with respect to the use of the container aerial firefighting system (CAFFS), and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SEC. 1. SHORT TITLE.

This Act may be cited as the “Emergency Wildfire Fighting Technology Act of 2023”.

SEC. 2. CONTAINER AERIAL FIREFIGHTING SYSTEM (CAFFS).

(a) **EVALUATION.**—Not later than 90 days after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in consultation with the National Interagency Aviation Committee and the Interagency Airtanker Board, shall jointly conduct an evaluation of the container aerial firefighting system to assess the use of such system to mitigate and suppress wildfires.

(b) **REPORT.**—Not later than 120 days after the date of the enactment of this Act, the Secretary of Agriculture and the Secretary of the Interior, in consultation with the National Interagency Aviation Committee and the Interagency Airtanker Board, shall jointly submit to the appropriate committees a report that includes the results of the evaluation required under subsection (a).

(c) **APPROPRIATE COMMITTEES DEFINED.**—In this section, the term “appropriate committees” means—

(1) the Committees on Agriculture and Natural Resources of the House of Representatives; and

(2) the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 3389 is to require the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior to conduct an evaluation with respect to the use of the container aerial firefighting system (CAFFS), and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

As the wildfire season continues to increase in severity, it is critical that firefighting agencies have all tools and methods available to them to fight fires and protect lives. In addition to on-the-ground crews, agencies have air support as well. For example, for the 2023 fire year, the U.S. Forest Service (USFS) will have up to 24 airtankers, more than 200 helicopters, and more than 900 engines available to fight the wildfire crisis. One important method is the aerial drop of water and fire retardant. Between 2012 and 2019, USFS dropped approximately 102 million gallons of fire retardant on National Forest System lands. In order to drop water or fire retardant from a plane or helicopter, the aircraft must be specifically designed or retrofitted for such purposes.

One solution to provide more aircraft for fighting wildland fires is using a boxed delivery system of water or fire retardant. This method is known as container aerial firefighting system (CAFFS) or Containerized Delivery System (CDS). This system involves disposable containers that are airdropped with water or fire retardant. Since the water or retardant is dropped via a container, rarely, if ever, is outfitting of an aircraft needed to accommodate the containers. This technology could decrease the response time and increase the number of aircraft available. Although this technology is not new, it has not been actively studied by the wildland firefighting agencies. The Air National Guard Air Force Reserve Command Test Center provided a favorable report on the use of CAFFS, but it did not specifically test the system's firefighting effectiveness. The "Emergency Wildfire Fighting Technology Act of 2023" would require USFS and the Department of the Interior to conduct an evaluation on the use of CAFFS to suppress wildfires.

COMMITTEE ACTION

H.R. 3389 was introduced on May 16, 2023, by Rep. David G. Valadao (R-CA). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. The bill was also referred to the Committee on Agriculture. On May 23, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On June 13, 2023, the Full Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. Chairman Bruce Westerman (R-AR) offered an amendment in the nature of a substitute, designated Westerman ANS. The amendment in the nature of a substitute offered by Chairman Westerman was adopted by unanimous consent. The bill, as amended, was then ordered favorably reported to the House of Representatives by unanimous consent.

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Federal Lands held on May 23, 2023.

SECTION-BY-SECTION ANALYSIS

Section 1. Short title

Section 1 establishes the short title of the bill as the “Emergency Wildfire Fighting Technology Act of 2023.”

Section 2. Container aerial firefighting system (CAFFS)

Section 2 requires the Secretaries of the Interior and Agriculture, in consultation with the National Interagency Aviation Committee and the Interagency Airtanker Board, to evaluate the effectiveness of the container aerial firefighting system to respond to wildfires within 90 days of the bill’s enactment. It also directs the Secretaries to submit a report on the effectiveness of container aerial firefighting systems to Congress.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources’ oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

H.R. 3389, Emergency Wildfire Fighting Technology Act of 2023			
As ordered reported by the House Committee on Natural Resources on June 13, 2023			
By Fiscal Year, Millions of Dollars	2023	2023-2028	2023-2033
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	1	1
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Statutory pay-as-you-go procedures apply? No	
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2034?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 3389 would require the Departments of Agriculture and the Interior to evaluate the system that uses airplanes to drop con-

tainers of water and other fire retardants on wildfires. The bill also would require those departments to report their results to the Congress within 120 days of enactment.

Using information from the affected agencies, CBO estimates that implementing the bill would cost a little more than \$500,000 and round to \$1 million in 2024; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Lilia Ledezma. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to require the Secretary of Agriculture, acting through the Chief of the Forest Service, and the Secretary of the Interior to conduct an evaluation with respect to the use of the container aerial firefighting system (CAFFS), and for other purposes.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to the Congressional Budget Office, H.R. 3389 contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

EXISTING PROGRAMS

Directed Rule Making. This bill does not contain any directed rule makings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public Law 95–220, as amended by Public Law 98–169) as relating to other programs.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

COMMITTEE CORRESPONDENCE

U.S. House of Representatives
Committee on Agriculture
 Room 1301, Longworth House Office Building
 Washington, DC 20515-6001
 (202) 225-2171

September 5, 2023

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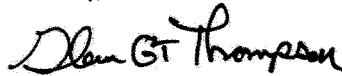
Dear Mr. Chairman:

This letter confirms our mutual understanding regarding H.R. 3389, the "Emergency Wildfire Fighting Technology Act of 2023". Thank you for collaborating with the Committee on Agriculture on the matters within our jurisdiction.

The Committee on Agriculture will forego any further consideration of this bill. However, by foregoing consideration at this time, we do not waive any jurisdiction over any subject matter contained in this or similar legislation. The Committee on Agriculture also reserves the right to seek appointment of an appropriate number of conferees should it become necessary and ask that you support such a request.

We would appreciate a response to this letter confirming this understanding with respect to H.R. 3389 and request a copy of our letters on this matter be published in the Congressional Record during Floor consideration.

Sincerely,



Glenn "GT" Thompson
 Chairman

Cc: The Honorable David Scott, Ranking Member, Committee on Agriculture
 The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
 The Honorable Kevin McCarthy, Speaker of the House
 The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 6, 2023

The Honorable Glenn "GT" Thompson
Chairman
Committee on Agriculture
1301 Longworth House Office Building
Washington, DC 20515

Dear Mr. Chairman:

I write regarding H.R. 3389, the *Emergency Wildfire Fighting Technology Act of 2023*, which was ordered reported by the Committee on Natural Resources on June 13, 2023.

I recognize that the bill contains provisions that fall within the jurisdiction of the Committee on Agriculture and appreciate your willingness to forgo action on the bill. I acknowledge that the Committee on Agriculture will not formally consider H.R. 3389 and agree that the inaction of your Committee with respect to the bill does not waive any jurisdiction over the subject matter contained therein.

I am pleased to support your request to name members of the Committee on Agriculture to any conference committee to consider such provisions. I will ensure that our exchange of letters is included in the *Congressional Record* during floor consideration of the bill. I appreciate your cooperation regarding this legislation.

Sincerely,



Bruce Westerman
Chairman
Committee on Natural Resources

cc: The Honorable Kevin McCarthy, Speaker of the House
The Honorable David Scott, Ranking Member, Committee on Agriculture
The Honorable Raul Grijalva, Ranking Member, Committee on Natural Resources
The Honorable Jason Smith, Parliamentarian, U.S. House of Representatives

CHANGES IN EXISTING LAW

As reported by the Committee, H.R. 3389 makes no changes in existing law.

