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HOUSE OF REPRESENTATIVES
REPT. 118–750
Part 1

FIRE DEPARTMENT REPAYMENT ACT OF 2023

NOVEMBER 18, 2024.—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. 3396]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 3396) to require the standardization of reciprocal fire suppression cost share agreements, 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:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fire Department Repayment Act of 2023".

SEC. 2. REQUIREMENTS RELATING TO CERTAIN FIRE SUPPRESSION COST SHARE AGREEMENTS.

(a) ESTABLISHMENT OF STANDARD OPERATING PROCEDURES.—Not later than 1 year after the date of the enactment of this section, the Secretaries shall—

(1) establish standard operating procedures relating to payment timelines for fire suppression cost share agreements established under the Act of May 27, 1955 (42 U.S.C. 1856a) (commonly known as the "Reciprocal Fire Protection Act"); and

(2) with respect to each fire suppression cost share agreement in operation on such date—

(A) review each such agreement; and

(B) modify each agreement as necessary to comply with the standard operating procedures required under paragraph (1).

(b) ALIGNMENT OF FIRE SUPPRESSION COST SHARE AGREEMENTS WITH COOPERATIVE FIRE PROTECTION AGREEMENTS.—The standard operating procedures required under subsection (a)(1) shall include a requirement that each fire suppression cost share agreement be aligned with each of the cooperative fire protection agreements applicable to the entity subject to such fire suppression cost share agreement.

(c) PAYMENTS PURSUANT TO COST SHARE AGREEMENTS.—With respect to payments made pursuant to fire suppression cost share agreements, the standard operating procedures required under subsection (a)(1) shall require that the Federal paying entity reimburse a local fire department if such fire department submits an invoice in accordance with cost settlement procedures.

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(d) SENSE OF CONGRESS.—It is the sense of Congress that the Secretaries should carry out reciprocal fire suppression cost share agreement repayments to local fire suppression organizations as soon as practicable after fire suppression occurs but not later than 1 year after fire suppression occurs.

(e) SECRETARIES DEFINED.—In this section, the term "Secretaries" means—

(1) the Secretary of Agriculture;

(2) the Secretary of the Interior;

(3) the Secretary of Homeland Security; and

(4) the Secretary of Defense.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 3396 is to require the standardization of reciprocal fire suppression cost share agreements, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The federal government is responsible for wildfires beginning on federal lands and states are responsible for suppressing wildfires on non-federal lands. Since wildfires know no bounds, the response is often managed jointly as the fire spreads across multiple jurisdictions. The National Multi-Agency Coordination Group, located at the National Interagency Fire Center in Boise, Idaho, coordinates and allocates federal, state, and private forces. The cost of these resources is then reimbursed under preexisting agreements. These agreements are designed to help ensure resources are used efficiently and firefighting efforts are coordinated effectively across multiple jurisdictions.

Reciprocal Fire Suppression Cost-Share Agreements are agreements between federal, state, and local governments to share the costs of suppressing wildfires that occur across multiple jurisdictions. These agreements allow fire departments to access resources and assistance from neighboring jurisdictions during large fires, such as personnel, equipment, and supplies, while ensuring that the costs associated with these resources are shared fairly. Under these agreements, each entity agrees to share the costs of providing firefighting resources. The current reimbursement process for local fire departments by the federal government has several shortfalls. First, reimbursements can be delayed, causing financial burdens for departments and impacting their ability to respond to emergencies. Second, the available funding may be insufficient, leaving departments with inadequate resources to fight fires and other emergencies. Additionally, the application process for federal reimbursements is complex and time-consuming, which can be challenging for local departments with limited staff and resources.

The "Fire Department Repayment Act of 2023" aims to standardize payment timelines related to reciprocal fire suppression cost-share agreements and align them with cooperative fire protection agreements. This bill would require the Secretaries of Agriculture, the Interior, Homeland Security, and Defense to establish standard operating procedures for fire suppression cost-share agreement payment timelines within one year of the enactment of the bill. Additionally, this legislation requires the Secretaries to complete fire suppression cost-share agreement repayments to non-federal partners if they have accurately submitted an invoice in accordance with cost settlement procedures. The legislation does not prevent the federal government from disputing inaccurate invoices and does not require any payments of inaccurate invoices. Finally, the bill encourages repayments to be made as soon as practicable within one year after fire suppression occurs.

COMMITTEE ACTION

H.R. 3396 was introduced on May 17, 2023, by Rep. Josh Harder (D–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, the Committee on Armed Services, and the Committee on Science, Space, and Technology. On May 23, 2023, the Subcommittee on Federal Lands held a hearing on the bill. On December 6, 2023, the Committee on Natural Resources met to consider the bill. The Subcommittee on Federal Lands was discharged from further consideration of H.R. 3396 by unanimous consent. Ranking Member Raul Grijalva (D–AZ) offered an amendment designated Grijalva #1. The amendment was adopted by unanimous consent. The bill, as amended, was 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

This Act may be cited as the "Fire Department Repayment Act of 2023".

Section 2. Requirements relating to certain fire suppression cost share agreements

- Requires the Secretaries of the Interior, Agriculture, Homeland Security, and Defense to establish standard operating procedures related to payment timelines for fire suppression cost share agreements within one year of enactment of bill.
- Directs that each fire suppression cost share agreement already in operation be reviewed and modified as necessary to conform to new standard operating procedures.
- Aligns fire suppression cost share agreements with cooperative fire protection agreements through the standard operating procedures.
- Requires the Secretaries to reimburse non-federal partners that submit invoices in accordance with cost settlement procedures.
- Includes a Sense of Congress that reciprocal fire suppression cost share agreement repayments to local firefighting entities should occur as soon as practicable, but not later than one year after fire suppression occurs.

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. 3396, Fire Department Repayment Act of 2023
As ordered reported by the House Committee on Natural Resources on December 6, 2023

By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	*	*	not estimated

Increases *net direct spending* in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases *on-budget deficits* in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

* = between zero and $500,000.

H.R. 3396 would require, within one year of enactment, the Departments of Agriculture, Defense, Homeland Security, and the Interior to establish standard timelines for payments to nonfederal entities for activities related to wildfire suppression. Under current law, the timing for such payments are included in the cost-sharing agreements for fire suppression that federal agencies and nonfederal entities develop for wildfires that cross jurisdictions. The bill also would require the relevant agencies to review existing agreements and, if necessary, modify them to comply with the standard timelines. Using information from the affected agencies, CBO estimates that establishing standard timelines for payments and modifying existing agreements would cost less than $500,000 over the 2024–2029 period. Any spending would be subject to the availability of appropriated funds.

In addition, H.R. 3396 would codify two policies that are commonly practiced or required by law. Those policies concern aligning the payment structure of the cost-sharing agreements to the cooperative agreements for fire protection (documents that outline conditions for all cost-sharing agreements within a region) and reimbursing local fire departments. Because those provisions are met under current policy and law, CBO estimates that implementing them would not affect the federal budget.

The CBO staff contact for this estimate is Emma Uebelhor. 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 standardization of reciprocal fire suppression cost share agreements, 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. 3396 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.

CHANGES IN EXISTING LAW

As ordered reported by the Committee on Natural Resources, H.R. 3396 would make no changes in existing law.

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