

Public Law 101-286
101st Congress

An Act

To provide for the establishment of the National Commission on Wildfire Disasters, to provide for increased planning and cooperation with local firefighting forces in the event of forest fires, and for other purposes.

May 9, 1990

[H.R. 1011]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the "Wildfire Disaster Recovery Act of 1989".

**TITLE I—NATIONAL COMMISSION ON WILDFIRE
DISASTERS**

SEC. 101. FINDINGS AND POLICY.

(a) **FINDINGS.**—Congress finds that—

(1) the natural fire disasters that occurred in 1987 and 1988 in Western and Southeastern States burned nearly seven and one-half million acres of Federal, State, and private land;

(2) these fires have altered the ability of Federal Government agencies to effectively manage the lands for timber production, fish and wildlife habitation, watershed, and recreation for future use by the American public; and

(3) the communities in and surrounding the areas affected by the fires have suffered economic and social losses.

(b) **POLICY.**—It is hereby declared to be the policy of Congress to respond to these disasters and prepare for potential disasters by reviewing the effect of these disasters on natural resources and on the financial and cultural aspects of the affected communities and by adopting such policies as are needed to assist in an effective and efficient recovery of those communities.

SEC. 102. NATIONAL COMMISSION ON WILDFIRE DISASTERS.

(a) **ESTABLISHMENT.**—There is hereby established a National Commission on Wildfire Disasters (hereafter referred to as the "Commission") which shall study the effects of disastrous wildfires, resulting from natural or other causes, and make recommendations concerning the steps necessary for a smooth and timely transition from the loss of natural resources due to such fires.

(b) **COMPOSITION.**—(1) The Commission shall be composed of 25 members. Thirteen members shall be appointed by the Secretary of Agriculture with at least one from each of the following groups: the timber industry, nonindustrial private forest landowners, State or local officials, employees of the Department of Agriculture, scientists from the academic community, wildlife biologists, members of private nonprofit forestry organizations, members of environmental organizations, and community leaders. Twelve members shall be appointed by the Secretary of the Interior, with at least one from each of the following groups: State or local officials, employees of the Department of the Interior, scientists from the academic

Wildfire
Disaster
Recovery Act of
1989.
Forests and
forest products.
National Forest
System.
National parks,
monuments, etc.
Public lands.
16 USC 551 note.
16 USC 551 note.

community, wildlife biologists, members of environmental organizations, members of private nonprofit national park organizations, conservationists, community leaders, and fire ecologists.

(2) The two Secretaries shall each appoint no more than three members from any one State and shall each appoint at least five members from areas affected by wildfires since 1986.

(3) In making appointments under this subsection, the Secretary of Agriculture shall consider nominations submitted by the following Members of Congress:

(A) The chairman of the Committee on Agriculture of the House of Representatives.

(B) The ranking minority member of the Committee on Agriculture of the House of Representatives.

(C) The chairman of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(D) The ranking minority member of the Committee on Agriculture, Nutrition, and Forestry of the Senate.

(4) In making appointments under this subsection, the Secretary of the Interior shall consider nominations submitted by the following Members of Congress:

(A) The chairman of the Committee on Interior and Insular Affairs of the House of Representatives.

(B) The ranking minority member of the Committee on Interior and Insular Affairs of the House of Representatives.

(C) The chairman of the Committee on Energy and Natural Resources of the Senate.

(D) The ranking minority member of the Committee on Energy and Natural Resources of the Senate.

(c) VACANCY.—A vacancy on the Commission shall be filled by appointment in the manner provided in subsection (b) by the Secretary making the initial appointment.

(d) CHAIRPERSON.—The Commission shall elect a chairperson from among the members of the Commission by a majority vote.

(e) MEETINGS.—The Commission shall meet at the call of the chairperson or a majority of the members of the Commission.

SEC. 103. DUTIES.

(a) STUDY.—The National Commission on Wildfire Disasters shall study the effects of fires on—

(1) the current and future economy of affected communities;

(2) the availability of sufficient timber supplies to meet future industry needs;

(3) fish and wildlife habitats;

(4) recreation in the affected areas;

(5) watershed and water quality protection plans in effect within National Forest System lands;

(6) ecosystems in the areas;

(7) management plans of the affected National Forest System lands;

(8) national parks;

(9) Bureau of Land Management public lands;

(10) wilderness; and

(11) biodiversity of the affected areas.

(b) FINDINGS AND RECOMMENDATIONS.—On the basis of its study, the Commission shall make findings and develop recommendations for consideration by the Secretaries of Agriculture and the Interior with respect to the future management of National Forest System

lands, national parks, Bureau of Land Management public lands, and community redevelopment activities and programs.

(c) **REPORT.**—The Commission shall submit to the Secretaries of Agriculture and the Interior, not later than December 1, 1991, a report containing its findings and recommendations. The Secretaries of Agriculture and the Interior shall forthwith submit the report to the Committee on Agriculture of the House of Representatives, the Committee on Agriculture, Nutrition, and Forestry of the Senate, the Committee on Interior and Insular Affairs of the House of Representatives, and the Committee on Energy and Natural Resources of the Senate, and the report is authorized to be printed as a House Document.

SEC. 104. OPERATION IN GENERAL.

(a) **AGENCY COOPERATION.**—The heads of executive agencies, the General Accounting Office, the Office of Technology Assessment, and the Congressional Budget Office shall provide the Commission such information as may be required to carry out its duties and functions.

(b) **COMPENSATION.**—Members of the Commission shall serve without compensation for work on the Commission. While away from their homes or regular places of business in the performance of duties of the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service under section 5703 of title 5 of the United States Code.

(c) **EMPLOYEES.**—(1) To the extent there are sufficient funds available to the Commission and subject to such rules as may be adopted by the Commission, the Commission, without regard to the provisions of title 5 of the United States Code governing appointments in the competitive service and, except as provided in paragraph (2), without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to the classification and General Schedule pay rates, may—

(A) appoint and fix the compensation of a director; and

(B) appoint and fix the compensation of such additional personnel as the Commission determines necessary to assist it to carry out its duties and functions.

(2) No employee of the Commission shall be compensated at a pay rate greater than the rate received by an employee at the grade of GS-16 as described in section 5104(16) of title 5 of the United States Code.

(d) **STAFF AND SERVICES.**—On the request of the Commission, the heads of executive agencies, the Comptroller General, and the Director of the Office of Technology Assessment may furnish the Commission with such office, personnel or support services as the head of the agency, or office, and the chairperson of the Commission agree are necessary to assist the Commission to carry out its duties and functions. The Commission shall not be required to pay, or reimburse, any agency for office, personnel or support services provided under this subsection.

(e) **EXEMPTIONS.**—(1) The Commission shall be exempt from sections 7(d), 10(f), and 14 of the Federal Advisory Committee Act (5 U.S.C. App.).

(2) The Commission shall be exempt from the requirements of sections 4301 through 4305 of title 5 of the United States Code.

SEC. 105. FUNDING.

(a) **ACCEPTANCE OF CONTRIBUTIONS.**—Following the appointment of the members of the National Commission on Wildfire Disasters, notwithstanding the provisions of section 1342 of title 31 of the United States Code, the Secretary of Agriculture may receive on behalf of the Commission, from persons, groups, and entities within the United States, contributions of money and services to assist the Commission in carrying out its duties and functions. Any money contributed under this section shall be made available to the Commission to carry out this Act.

Regulations.

(b) **LIMITATION ON CONTRIBUTION.**—The Secretary of Agriculture shall promulgate regulations to assure that the aggregate amount of contributions from any one person, group, or entity shall not exceed 10 percent of the total amount of funds that will be contributed to the Commission.

Public information.

(c) **RECORDS.**—The Secretary of Agriculture shall keep, and shall make available for public inspection during normal business hours, records that fully disclose a complete list of every person, group, and entity making a contribution under this section, the address of the contributor, the amount and type of each such contribution, and the date the contribution was made.

(d) **EXCESS FUNDS.**—Any amount of money available to the Commission under this section that remains unobligated upon termination of the Commission shall be deposited in the Treasury as miscellaneous receipts.

SEC. 106. TERMINATION.

The National Commission on Wildfire Disasters shall cease to exist 90 days following the submission of its report to the Secretaries of Agriculture and the Interior.

TITLE II—FOREST FIREFIGHTING PLANNING AND COOPERATION

16 USC 551b note.

SEC. 201. FINDINGS.

The Congress finds that—

- (1) it is in the best interest of the Nation to take swift action to rehabilitate burned forests, and an assessment of the situation is necessary to accomplish this; and
- (2) volunteers should be trained to assist where possible.

16 USC 551b.

SEC. 202. REPORT ON REHABILITATION NEEDS.

Not later than six months after the date of enactment of this Act and annually thereafter, detailed reports by—

- (1) the Secretary of Agriculture on the rehabilitation needs of each Forest Service Region, and
 - (2) the Secretary of the Interior on the rehabilitation needs of the Bureau of Land Management public lands on a State-by-State basis and of each National Park Region,
- resulting from disastrous forest fire damage during the previous year shall be submitted to Congress. Each such report shall specify the needs with respect to reforestation, vegetation management, timber stand improvement, fish and wildlife habitat restoration, soil conservation, recreation, and wilderness resources.

SEC. 203. PLANNING FOR FIRE PROTECTION.

16 USC 551c.

(a) **VOLUNTEER FIREFIGHTERS.**—The Secretaries of Agriculture and the Interior shall annually offer training programs to certify volunteers for suppressing forest fires on National Forest System lands, National Park System lands and Bureau of Land Management public lands in the event that the appropriate Secretary determines that such volunteers are needed. In carrying out this subsection, the Secretaries should utilize existing authorities to train volunteer firefighters for use in fire emergencies. The Secretaries should assess the capabilities of educational institutions and other public and private organizations to provide such training programs.

(b) **DEFINITION.**—For the purposes of this section, the term “educational institutions” shall include institutions established pursuant to the Act of July 2, 1862 (7 U.S.C. 301 et seq., commonly known as the “Morrill Act”), or the Act of August 30, 1890 (7 U.S.C. 321 et seq., commonly known as the “Second Morrill Act”).

(c) **MOBILIZATION OF LOCAL EQUIPMENT.**—Not later than one year after the date of enactment of this Act—

(1) the Secretary of Agriculture shall submit to the Congress information with respect to regions of the National Forest System, and

(2) the Secretary of the Interior shall submit to the Congress information with respect to the Bureau of Land Management public lands on a State-by-State basis and each region of the National Park System

that documents mobilization plans that provide for the use of fire-fighting equipment in cases of fire emergencies that may occur in each such area that may be highly prone to disastrous forest fires.

(d) **PRESUPPRESSION NEEDS.**—Not later than one year after the date of enactment of this Act, information from the Secretary of Agriculture on presuppression needs for each region of the National Forest System and information from the Secretary of the Interior on the presuppression needs for each region of the National Park System and for each State unit of the Bureau of Land Management shall be submitted to Congress. These reports shall include needs, including an estimate of the funds required, for fire prevention, fuel reduction, training and seasonal fire crews.

Reports.

SEC. 204. VOLUNTEER COMPENSATION FOR LOSSES AND DAMAGES.

Claims.

(a) **NATIONAL FORESTS.**—Section 3 of the Volunteers in the National Forests Act of 1972 (16 U.S.C. 558c) is amended by adding the following new subsection:

“(d) For the purposes of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of 31 U.S.C. 3721 shall apply.”.

(b) **NATIONAL PARKS.**—Section 3 of the Volunteers in the Parks Act of 1969 (16 U.S.C. 18i) is amended by adding the following new subsection:

“(d) For the purpose of claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, a volunteer under this Act shall be considered a Federal employee, and the provisions of 31 U.S.C. 3721 shall apply.”.

(c) **BUREAU OF LAND MANAGEMENT.**—Section 307(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1737(f)) is amended to read as follows:

“(f) Volunteers shall not be deemed employees of the United States except for the purposes of—

“(1) the tort claims provisions of title 28;

“(2) subchapter 1 of chapter 81 of title 5; and

“(3) claims relating to damage to, or loss of, personal property of a volunteer incident to volunteer service, in which case the provisions of 31 U.S.C. 3721 shall apply.”.

Approved May 9, 1990.

LEGISLATIVE HISTORY—H.R. 1011:

HOUSE REPORTS: No. 101-333, Pt. 1 (Comm. on Agriculture).

CONGRESSIONAL RECORD:

Vol. 135 (1989): Nov. 13, considered and passed House.

Vol. 136 (1990): Apr. 26, considered and passed Senate.