

after that Secretary concerned issues a declaration that a wildfire suppression event is eligible for funding from the FLAME Fund.

(B) Declaration criteria

A declaration by the Secretary concerned under subparagraph (A) may be issued only if—

(i) in the case of an individual wildfire incident—

(I) the fire covers 300 or more acres; or
(II) the Secretary concerned determines that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resources; or

(ii) the cumulative costs of wildfire suppression and Federal emergency response activities for the Secretary concerned will exceed, within 30 days, all of the amounts previously appropriated (including amounts appropriated under an emergency designation, but excluding amounts appropriated to the FLAME Fund) to the Secretary concerned for wildfire suppression and Federal emergency response.

(3) State, private, and tribal land

Use of a FLAME Fund for emergency wildfire suppression activities on State land, private land, and tribal land shall be consistent with any existing agreements in which the Secretary concerned has agreed to assume responsibility for wildfire suppression activities on the land.

(f) Treatment of anticipated and predicted activities

For fiscal year 2011 and subsequent fiscal years, the Secretary concerned shall request funds within the Wildland Fire Management appropriation account of that Secretary for regular wildfire suppression activities that do not meet the criteria specified in subsection (e)(2)(B)(i).

(g) Prohibition on other transfers

The Secretary concerned may not transfer funds from non-fire accounts to the Wildland Fire Management appropriation account of that Secretary unless amounts in the FLAME Fund of that Secretary and any amounts appropriated to that Secretary for the purpose of wildfire suppression will be exhausted within 30 days.

(h) Accounting and reports

(1) Accounting and reporting requirements

The Secretary concerned shall account and report on amounts transferred from the respective FLAME Fund in a manner that is consistent with existing National Fire Plan reporting procedures.

(2) Annual report

The Secretary concerned shall submit to the relevant congressional committees and make available to the public an annual report that—

(A) describes the obligation and expenditure of amounts transferred from the FLAME Fund; and

(B) includes any recommendations that the Secretary concerned may have to im-

prove the administrative control and oversight of the FLAME Fund.

(3) Estimates of wildfire suppression costs to improve budgeting and funding

(A) In general

Consistent with the schedule provided in subparagraph (C), the Secretary concerned shall submit to the relevant congressional committees an estimate of anticipated wildfire suppression costs for the applicable fiscal year.

(B) Independent review

The methodology for developing the estimates under subparagraph (A) shall be subject to periodic independent review to ensure compliance with subparagraph (D).

(C) Schedule

The Secretary concerned shall submit an estimate under subparagraph (A) during—

(i) the first week of March of each year;
(ii) the first week of May of each year;
(iii) the first week of July of each year;
and

(iv) if a bill making appropriations for the Department of the Interior and the Forest Service for the following fiscal year has not been enacted by September 1, the first week of September of each year.

(D) Requirements

An estimate of anticipated wildfire suppression costs shall be developed using the best available—

(i) climate, weather, and other relevant data; and
(ii) models and other analytic tools.

(i) Termination of authority

The authority of the Secretary concerned to use the FLAME Fund established for that Secretary shall terminate at the end of the third fiscal year in which no appropriations to, or withdrawals from, that FLAME Fund have been made for a period of three consecutive fiscal years. Upon termination of such authority, any amounts remaining in the affected FLAME Fund shall be transferred to, and made a part of, the Wildland Fire Management appropriation account of the Secretary concerned for wildland suppression activities.

(Pub. L. 111-88, div. A, title V, § 502, Oct. 30, 2009, 123 Stat. 2968.)

CODIFICATION

Section was enacted as part of the Federal Land Assistance, Management, and Enhancement Act of 2009, also known as the FLAME Act of 2009, and also as part of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

§ 1748a-1. Request for additional wildfire suppression funds

If the amount provided for wildfire suppression operations for that fiscal year will be exhausted within 30 calendar days, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Direc-

tor of the Office of Management and Budget, shall promptly submit a request to Congress for supplemental appropriations.

(Pub. L. 115-141, div. O, title I, §103, Mar. 23, 2018, 132 Stat. 1060.)

CODIFICATION

Section was enacted as part of the Wildfire Suppression Funding and Forest Management Activities Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

§ 1748a-2. Reporting requirements

(a) In general

Not later than 90 days after the end of the fiscal year for which additional new budget authority is used, pursuant to section 901(b)(2)(F)(i) of title 2, as added by section 102 of this division, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Director of the Office of Management and Budget, shall—

- (1) prepare an annual report with respect to the additional new budget authority;
- (2) submit to the Committees on Appropriations, the Budget, and Natural Resources of the House of Representatives and the Committees on Appropriations, the Budget, and Energy and Natural Resources of the Senate the annual report prepared under paragraph (1); and
- (3) make the report prepared under paragraph (1) available to the public.

(b) Components

The annual report prepared under subsection (a)(1) shall—

- (1) document obligations and outlays of the additional new budget authority for wildfire suppression operations;
- (2) identify risk-based factors that influenced management decisions with respect to wildfire suppression operations;
- (3) analyze a statistically significant sample of large fires, including an analysis for each fire of—
 - (A) cost drivers;
 - (B) the effectiveness of risk management techniques and whether fire operations strategy tracked the risk assessment;
 - (C) any resulting ecological or other benefits to the landscape;
 - (D) the impact of investments in wildfire suppression operations preparedness;
 - (E) effectiveness of wildfire suppression operations, including an analysis of resources lost versus dollars invested;
 - (F) effectiveness of any fuel treatments on fire behavior and suppression expenditures;
 - (G) levels of exposure experienced by firefighters;
 - (H) suggested corrective actions; and
 - (I) any other factors the Secretary of the Interior or Secretary of Agriculture (as applicable) determines to be appropriate;

(4) include an accounting of overall fire management and spending by the Department of the Interior or the Department of Agriculture,

which shall be analyzed by fire size, cost, regional location, and other factors;

(5) describe any lessons learned in the conduct of wildfire suppression operations; and

(6) include any other elements that the Secretary of the Interior or the Secretary of Agriculture (as applicable) determines to be necessary.

(Pub. L. 115-141, div. O, title I, §104, Mar. 23, 2018, 132 Stat. 1061.)

REFERENCES IN TEXT

Section 102 of this division, referred to in subsec. (a), means section 102 of div. O of Pub. L. 115-141.

CODIFICATION

Section was enacted as part of the Wildfire Suppression Funding and Forest Management Activities Act, and also as part of the Consolidated Appropriations Act, 2018, and not as part of the Federal Land Policy and Management Act of 1976 which comprises this chapter.

§ 1748b. Cohesive wildfire management strategy

(a) Strategy required

Not later than one year after October 30, 2009, the Secretary of the Interior and the Secretary of Agriculture, acting jointly, shall submit to Congress a report that contains a cohesive wildfire management strategy, consistent with the recommendations described in recent reports of the Government Accountability Office regarding management strategies.

(b) Elements of strategy

The strategy required by subsection (a) shall provide for—

- (1) the identification of the most cost-effective means for allocating fire management budget resources;
- (2) the reinvestment in non-fire programs by the Secretary of the Interior and the Secretary of Agriculture;
- (3) employing the appropriate management response to wildfires;
- (4) assessing the level of risk to communities;
- (5) the allocation of hazardous fuels reduction funds based on the priority of hazardous fuels reduction projects;
- (6) assessing the impacts of climate change on the frequency and severity of wildfire; and
- (7) studying the effects of invasive species on wildfire risk.

(c) Revision

At least once during each five-year period beginning on the date of the submission of the cohesive wildfire management strategy under subsection (a), the Secretary of the Interior and the Secretary of Agriculture shall revise the strategy to address any changes affecting the strategy, including changes with respect to landscape, vegetation, climate, and weather.

(Pub. L. 111-88, div. A, title V, §503, Oct. 30, 2009, 123 Stat. 2971.)

CODIFICATION

Section was enacted as part of the Federal Land Assistance, Management, and Enhancement Act of 2009, also known as the FLAME Act of 2009, and also as part