

118TH CONGRESS
1ST SESSION

H. R. 1242

To make improvements to the role of the Department of Defense in responding to domestic emergencies, including wildfires.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2023

Mr. GARAMENDI (for himself, Mr. PANETTA, Ms. SCANLON, Mr. SCHIFF, Ms. JACOBS, and Mr. CARBAJAL) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on Agriculture, Intelligence (Permanent Select), Transportation and Infrastructure, and Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To make improvements to the role of the Department of Defense in responding to domestic emergencies, including wildfires.

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 “Military Support for
5 Fighting Wildfires Act of 2023”.

1 **SEC. 2. REQUIREMENT OF SECRETARY OF DEFENSE TO RE-**
2 **IMBURSE STATE COSTS OF FIGHTING CER-**
3 **TAIN WILDLAND FIRES.**

4 Section 2691(d) of title 10, United States Code, is
5 amended by striking “may” and inserting “shall”.

6 **SEC. 3. AUTHORIZATION FOR FIREGUARD PROGRAM.**

7 (a) **AUTHORITY.**—Chapter 5 of title 32, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

10 **“§ 510. Authorization for FireGuard Program**

11 “(a) **AUTHORIZATION.**—The Secretary of Defense
12 may use members of the National Guard to carry out a
13 program to aggregate, analyze, and assess multi-source re-
14 mote sensing information for interagency partnerships in
15 the detection and monitoring of wildfires, and to support
16 any emergency response to such wildfires. Such a program
17 shall be known as the ‘FireGuard Program’.

18 “(b) **RESOURCES; LIMITATION.**—If the Secretary
19 carries out a program under this section, the Secretary—

20 “(1) shall transfer the functions, personnel, as-
21 sets, and capabilities of the FireGuard Program, in
22 existence on the day before the date of enactment of
23 the Military Support for Fighting Wildfires Act of
24 2023, to the FireGuard Program authorized under
25 this section;

1 (2) by striking subparagraph (C) of subsection
2 (a)(1);

3 (3) in subsection (b)(1)(A) by striking “not
4 more” and insert “not fewer”; and

5 (4) in subsection (c)—

6 (A) in paragraph (1), by striking “pur-
7 poses;” and inserting “purposes, search and
8 rescue, or emergency operations pertaining to
9 wildfires; and”;

10 (B) in paragraph (2), by striking “; and”
11 and inserting a period; and

12 (C) by striking paragraph (3).

13 **SEC. 5. NO REIMBURSEMENT FOR USE OF NATIONAL**
14 **GEOSPATIAL-INTELLIGENCE AGENCY RE-**
15 **SOURCES DURING A MAJOR DISASTER.**

16 The Director of the National Geospatial-Intelligence
17 Agency may not require the Federal Emergency Manage-
18 ment Agency or a Federal land management agency to
19 reimburse the National Geospatial-Intelligence Agency for
20 use of resources for any request approved by the Director
21 pertaining to—

22 (1) a request made by such a Federal agency
23 through the National Interagency Fire Center; or

24 (2) an area of Federal land affected by extreme
25 weather, as that term is defined in section 328(c) of

1 the National Defense Authorization Act for Fiscal
2 Year 2020 (Public Law 116–92; 10 U.S.C. 221
3 note).

4 **SEC. 6. EXEMPTION FROM ECONOMY ACT FOR CERTAIN RE-**
5 **QUESTS MADE THROUGH THE NATIONAL**
6 **INTERAGENCY FIRE CENTER.**

7 Section 1535(b) of title 31, United States Code (com-
8 monly known as the “Economy Act”), shall not apply to
9 any assistance provided by the Department of Defense to
10 the Federal Emergency Management Agency or a Federal
11 land management agency under a request—

12 (1) made through the National Interagency
13 Fire Center; and

14 (2) pertaining to an area covered by a declara-
15 tion of a major disaster or emergency under section
16 401 of the Robert T. Stafford Disaster Relief and
17 Emergency Assistance Act (42 U.S.C. 5170).

18 **SEC. 7. GUIDANCE FOR USE OF UNMANNED AIRCRAFT SYS-**
19 **TEMS BY THE NATIONAL GUARD.**

20 (a) NEW GUIDANCE.—Not later than 90 days after
21 the date of the enactment of this Act, the Secretary of
22 Defense shall issue new guidance that treats the use of
23 unmanned aircraft systems by the National Guard for cov-
24 ered activities in a manner no more restrictive than the
25 use of other aircraft for covered activities.

1 (b) COVERED ACTIVITIES DEFINED.—In this section,
2 “covered activities” means the following:

3 (1) Emergency operations.

4 (2) Search and rescue operations.

5 (3) Defense support to civil authorities.

6 (4) Support under section 502(f) of title 32,
7 United States Code.

8 **SEC. 8. STUDY ON USE OF CH-47 CHINOOKS TO RESPOND**
9 **TO WILDFIRES.**

10 Not later one year after the date of the enactment
11 of this Act, the Secretary of Agriculture, the Secretary of
12 the Interior, and the Secretary of Homeland Security shall
13 jointly submit to Congress a report—

14 (1) on the feasibility and effectiveness of using
15 CH-47 Chinooks with firefighting modifications
16 to—

17 (A) respond to wildfires; and

18 (B) perform search and rescue activities;

19 and

20 (2) that identifies the governmental organiza-
21 tions (including Federal, State, and local govern-
22 ment organizations) that would be most effective
23 with respect to using the aircraft described in para-

- 1 graph (1) to carry out the activities specified in that
- 2 paragraph.

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