

HR 1404

FLAME Act

Congress: 111 (2009–2011, Ended)

Chamber: House

Policy Area: Public Lands and Natural Resources

Introduced: Mar 10, 2009

Current Status: Committee on Energy and Natural Resources. Hearings held.

Latest Action: Committee on Energy and Natural Resources. Hearings held. (Jul 21, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/house-bill/1404>

Sponsor

Name: Rep. Rahall, Nick J., II [D-WV-3]

Party: Democratic • State: WV • Chamber: House

Cosponsors (15 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Dicks, Norman D. [D-WA-6]	D · WA		Mar 10, 2009
Rep. Grijalva, Raúl M. [D-AZ-7]	D · AZ		Mar 10, 2009
Rep. Simpson, Michael K. [R-ID-2]	R · ID		Mar 10, 2009
Rep. Walden, Greg [R-OR-2]	R · OR		Mar 10, 2009
Del. Bordallo, Madeleine Z. [D-GU-At Large]	D · GU		Mar 18, 2009
Rep. Blumenauer, Earl [D-OR-3]	D · OR		Mar 18, 2009
Rep. Peterson, Collin C. [D-MN-7]	D · MN		Mar 18, 2009
Rep. Baird, Brian [D-WA-3]	D · WA		Mar 24, 2009
Rep. DeFazio, Peter A. [D-OR-4]	D · OR		Mar 24, 2009
Rep. Heinrich, Martin [D-NM-1]	D · NM		Mar 24, 2009
Rep. Herseth Sandlin, Stephanie [D-SD-At Large]	D · SD		Mar 24, 2009
Rep. Inslee, Jay [D-WA-1]	D · WA		Mar 24, 2009
Rep. Thompson, Mike [D-CA-1]	D · CA		Mar 24, 2009
Rep. Coffman, Mike [R-CO-6]	R · CO		Mar 25, 2009
Rep. Teague, Harry [D-NM-2]	D · NM		Mar 25, 2009

Committee Activity

Committee	Chamber	Activity	Date
Agriculture Committee	House	Referred To	Mar 10, 2009
Budget Committee	House	Referred To	Mar 10, 2009
Energy and Natural Resources Committee	Senate	Hearings By (full committee)	Jul 21, 2009
Natural Resources Committee	House	Referred to	Mar 13, 2009

Subjects & Policy Tags

Policy Area:

Public Lands and Natural Resources

Related Bills

Bill	Relationship	Last Action
111 S 561	Identical bill	Jul 21, 2009: Committee on Energy and Natural Resources. Hearings held.
111 HRES 281	Procedurally related	Mar 25, 2009: Motion to reconsider laid on the table Agreed to without objection.

Federal Land Assistance, Management and Enhancement Act or FLAME Act - (Sec. 2) Establishes in the Treasury the Federal Land Assistance, Management, and Enhancement Fund (Flame Fund). Requires amounts in the Flame Fund to be made available to the Secretaries of the Interior and of Agriculture (the Secretaries) to pay the costs of catastrophic emergency wildland fire suppression activities that are separate from amounts annually appropriated for the predicted annual workload for such activities. Requires that such authorized suppression activities include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires.

Authorizes appropriations for the Flame Fund. Expresses the intent of Congress with respect to the expenditure of amounts appropriated to the Flame Fund.

Instructs the Secretaries to notify specified congressional committees (the committees) whenever only an estimated two months worth of funding remains in the Flame Fund.

Requires the transfer of unobligated wildland fire suppression funds into the Flame Fund.

Makes amounts in the Flame Fund available to the Secretaries only after such Secretaries issue a declaration that a wildland fire suppression activity is eligible for funding from the Fund. Sets forth the criteria upon which such a declaration shall be based, including criteria concerning the fire's severity and the threat posed by it. Requires the Secretaries, for the purposes of applying the severity and threat criteria in individual wildland fire incidents, to take into account areas where insect infestation has created an extreme risk for wildfire.

Continues funding for anticipated and predicted wildland fire suppression activities within appropriate agency budgets. Requires the additional funding made available through the Flame Fund to be used only for purposes and in instances consistent with this section.

Requires obligating all amounts in the Flame Fund and all funds appropriated for wildland fire suppression on federal land before the transfer of funds from non-fire accounts for wildland fire suppression.

Directs the Secretaries to establish an accounting and reporting system for the Flame Fund compatible with existing National Fire Plan reporting procedures.

Requires the Secretaries to report annually to the committees on the use of the funds from the Flame Fund, together with recommendations to improve administrative control and oversight of the Fund. Requires such report to be made available to the public.

Requires the Secretaries to submit to the committees estimates of anticipated wildfire suppression costs in order to improve budgeting and funding. Subjects the methodology for the development of the estimates to peer review to ensure that they were developed using the best available climate, weather, and other relevant data and models and other analytic tools.

(Sec. 3) Requires the Secretaries to submit a report to Congress that contains a cohesive wildland fire management strategy, consistent with the recommendations of recent Comptroller General reports.

Sets forth the elements of the strategy. Includes: (1) a system for ensuring that the highest priority fuels reduction projects are being funded first; (2) a system to assess the impacts of climate change on the frequency and severity of wildland fire; (3) a system to study the effects of invasive species on wildland fire risk; and (4) a plan, developed in

coordination with the National Guard Bureau, to maximize the use of National Guard resources to fight wildfires.

Directs the Secretaries to submit to Congress, at least once during every five-year period initially beginning on the date of submission of the strategy, a revised strategy taking into consideration changes affecting the elements of the strategy, in particular changes respecting landscape, vegetation, climate, and weather.

Ensures that owners of adjacent private land are notified before any prescribed fire is used on National Forest System land.

(Sec. 4) Directs the Secretaries to conduct a review, using independent panels, of each wild fire incident for which expenses exceeding \$10 million were incurred and to submit a report containing the results of each review conducted. Requires the review of an incident to include separate assessments of: (1) what actions, if any, could have been taken in advance of the fire that may have prevented it or at least reduced its severity; and (2) the quantity of greenhouse gases produced as a result of the fire.

(Sec. 5) Directs the Secretaries to develop regional maps of communities most at risk of wildfire and in need of hazardous fuel treatment and maintenance.

Requires such maps to identify priority areas for hazardous fuels reduction projects, including: (1) at-risk communities in fire-prone areas of the wildland-urban interface; (2) watersheds and municipal drinking water sources; (3) emergency evacuation corridors; (4) electricity transmission corridors; and (5) low-capacity or low-income communities.

Authorizes the Secretaries to provide cost-share grants to fire-ready communities which may be used for: (1) education programs to raise awareness of homeowners and citizens about wildland fire protection practices, including FireWise or other similar programs; (2) training programs for local firefighters on wildland firefighting techniques and approaches; (3) equipment acquisition to facilitate wildland fire preparedness; (4) implementation of a community wildfire protection plan; and (5) implementation of fire-safety programs focused on the eradication or control of invasive species.

Instructs the Secretaries, in developing any wildland fire cost-share agreement with a state forester or equivalent official, to encourage the state and local communities involved to become fire-ready communities.

Authorizes appropriations to carry out this section.

Actions Timeline

- **Jul 21, 2009:** Committee on Energy and Natural Resources. Hearings held.
- **Mar 26, 2009:** Considered as unfinished business. (consideration: CR H4031-4044)
- **Mar 26, 2009:** The House resolved into Committee of the Whole House on the state of the Union for further consideration.
- **Mar 26, 2009:** DEBAT - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Rahall of West Virginia amendment.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Perlmutter of Colorado amendment.
- **Mar 26, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Perlmutter amendment, the Chair put the question on adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hastings (WA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Polis of Colorado amendment.
- **Mar 26, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Hastings (WA) amendment, the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Hastings (WA) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H. Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings (WA) amendment.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Hastings of Washington amendment.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Heinrich amendment.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Minnick amendment.
- **Mar 26, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Minnick amendment, the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Mr. Minnick demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Lujan amendment.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Rahall amendment.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Kirkpatrick amendment.
- **Mar 26, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Kirkpatrick (AZ) amendment, the Chair put the question of adoption of the amendment and by voice vote, announced that the ayes had prevailed. Ms. Kirkpatrick (AZ) demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 26, 2009:** DEBATE - Pursuant to the provisions of H.Res. 281, the Committee of the Whole proceeded with 10 minutes of debate on the Goodlatte amendment.
- **Mar 26, 2009:** POSTPONED PROCEEDINGS - At the conclusion of debate on the Goodlatte amendment the Chair put the question of adoption of the amendment and by voice vote, announced that the noes had prevailed. Mr. Goodlatte demanded a recorded vote and the Chair postponed further proceedings on the question of adoption of the amendment until later in the legislative day.
- **Mar 26, 2009:** UNFINISHED BUSINESS - The Chair announced that the unfinished business was the question of adoption of amendments which had been debated earlier and on which further proceedings had been postponed.
- **Mar 26, 2009:** The House rose from the Committee of the Whole House on the state of the Union to report H.R. 1404.
- **Mar 26, 2009:** The previous question was ordered pursuant to the rule. (consideration: CR H4044)
- **Mar 26, 2009:** The House adopted the remaining amendments en gross as agreed to by the Committee of the Whole House on the state of the Union. (text: CR H4031-4032)
- **Mar 26, 2009:** Passed/agreed to in House: On passage Passed by recorded vote: 412 - 3 (Roll no. 162).

- **Mar 26, 2009:** On passage Passed by recorded vote: 412 - 3 (Roll no. 162).
- **Mar 26, 2009:** Motion to reconsider laid on the table Agreed to without objection.
- **Mar 26, 2009:** The Clerk was authorized to correct section numbers, punctuation, and cross references, and to make other necessary technical and conforming corrections in the engrossment of H.R. 1404.
- **Mar 26, 2009:** Received in the Senate and Read twice and referred to the Committee on Energy and Natural Resources.
- **Mar 25, 2009:** Rule H. Res. 281 passed House.
- **Mar 25, 2009:** Considered under the provisions of rule H. Res. 281. (consideration: CR H3992-3995)
- **Mar 25, 2009:** Rule provides for consideration of H.R. 1404 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. This waiver does not affect the point of order available under clause 9 of rule XXI.
- **Mar 25, 2009:** House resolved itself into the Committee of the Whole House on the state of the Union pursuant to H. Res. 281 and Rule XVIII.
- **Mar 25, 2009:** The Speaker designated the Honorable Ben Ray Lujan to act as Chairman of the Committee.
- **Mar 25, 2009:** GENERAL DEBATE - The Committee of the Whole proceeded with one hour of general debate on H.R. 1404.
- **Mar 25, 2009:** Mr. Rahall moved that the Committee rise.
- **Mar 25, 2009:** On motion that the committee rises Agreed to by voice vote.
- **Mar 25, 2009:** Committee of the Whole House on the state of the Union rises leaving H.R. 1404 as unfinished business.
- **Mar 24, 2009:** Rules Committee Resolution H. Res. 281 Reported to House. Rule provides for consideration of H.R. 1404 with 1 hour of general debate. Previous question shall be considered as ordered without intervening motions except motion to recommit with or without instructions. Measure will be considered read. Specified amendments are in order. The rule waives all points of order against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. The rule waives all points of order against provisions in the bill. This waiver does not affect the point of order available under clause 9 of rule XXI.
- **Mar 13, 2009:** Referred to the Subcommittee on National Parks, Forests and Public Lands.
- **Mar 10, 2009:** Introduced in House
- **Mar 10, 2009:** Sponsor introductory remarks on measure. (CR E601-602)
- **Mar 10, 2009:** Referred to House Natural Resources
- **Mar 10, 2009:** Referred to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and the Budget, 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.
- **Mar 10, 2009:** Referred to House Agriculture
- **Mar 10, 2009:** Referred to House Budget