

104TH CONGRESS
2D SESSION

S. 2078

AN ACT

To authorize the sale of excess Department of Defense aircraft to facilitate the suppression of wildfire.

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 “Wildfire Suppression
5 Aircraft Transfer Act of 1996”.

1 **SEC. 2. AUTHORITY TO SELL AIRCRAFT AND PARTS FOR**
2 **WILDFIRE SUPPRESSION PURPOSES.**

3 (a) **AUTHORITY.**—(1) Notwithstanding section 202 of
4 the Federal Property and Administrative Services Act of
5 1949 (40 U.S.C. 483) and subject to subsections (b) and
6 (c), the Secretary of Defense may, during the period be-
7 ginning on October 1, 1996, and ending on September 30,
8 2000, sell the aircraft and aircraft parts referred to in
9 paragraph (2) to persons or entities that contract with the
10 Federal Government for the delivery of fire retardant by
11 air in order to suppress wildfire.

12 (2) Paragraph (1) applies to aircraft and aircraft
13 parts of the Department of Defense that are determined
14 by the Secretary to be—

15 (A) excess to the needs of the Department; and

16 (B) acceptable for commercial sale.

17 (b) **CONDITIONS OF SALE.**—Aircraft and aircraft
18 parts sold under subsection (a)—

19 (1) may be used only for the provision of
20 airtanker services for wildfire suppression purposes;
21 and

22 (2) may not be flown or otherwise removed
23 from the United States unless dispatched by the Na-
24 tional Interagency Fire Center in support of an
25 international agreement to assist in wildfire suppres-
26 sion efforts or for other purposes jointly approved by

1 the Secretary of Defense and the Secretary of Agri-
2 culture in writing in advance.

3 (c) CERTIFICATION OF PERSONS AND ENTITIES.—

4 The Secretary of Defense may sell aircraft and aircraft
5 parts to a person or entity under subsection (a) only if
6 the Secretary of Agriculture certifies to the Secretary of
7 Defense, in writing, before the sale that the person or en-
8 tity is capable of meeting the terms and conditions of a
9 contract to deliver fire retardant by air.

10 (d) REGULATIONS.—(1) As soon as practicable after
11 the date of the enactment of this Act, the Secretary of
12 Defense shall, in consultation with the Secretary of Agri-
13 culture and the Administrator of General Services, pre-
14 scribe regulations relating to the sale of aircraft and air-
15 craft parts under this section.

16 (2) The regulations shall—

17 (A) ensure that the sale of the aircraft and air-
18 craft parts is made at fair market value (as deter-
19 mined by the Secretary of Defense) and, to the ex-
20 tent practicable, on a competitive basis;

21 (B) require a certification by the purchaser that
22 the aircraft and aircraft parts will be used only in
23 accordance with the conditions set forth in sub-
24 section (b);

1 (C) establish appropriate means of verifying
2 and enforcing the use of the aircraft and aircraft
3 parts by the purchaser and other end users in ac-
4 cordance with the conditions set forth in subsections
5 (b) and (e); and

6 (D) ensure, to the maximum extent practicable,
7 that the Secretary consults with the Administrator
8 of General Services and with the heads of appro-
9 priate departments and agencies of the Federal Gov-
10 ernment regarding alternative requirements for such
11 aircraft and aircraft parts before the sale of such
12 aircraft and aircraft parts under this section.

13 (e) **ADDITIONAL TERMS AND CONDITIONS.**—The
14 Secretary of Defense may require such other terms and
15 conditions in connection with each sale of aircraft and air-
16 craft parts under this section as the Secretary considers
17 appropriate for such sale. Such terms and conditions shall
18 meet the requirements of the regulations prescribed under
19 subsection (d).

20 (f) **REPORT.**—Not later than March 31, 2000, the
21 Secretary of Defense shall submit to the Committee on
22 Armed Services of the Senate and the Committee on Na-
23 tional Security of the House of Representatives a report
24 on the Secretary's exercise of authority under this section.
25 The report shall set forth—

1 (1) the number and type of aircraft sold under
2 the authority, and the terms and conditions under
3 which the aircraft were sold;

4 (2) the persons or entities to which the aircraft
5 were sold; and

6 (3) an accounting of the current use of the air-
7 craft sold.

8 (g) CONSTRUCTION.—Nothing in this section may be
9 construed as affecting the authority of the Administrator
10 of the Federal Aviation Administration under any other
11 provision of law.

Passed the Senate September 26, 1996.

Attest:

Secretary.

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