

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO H.R. 3935
OFFERED BY MR. LAMALFA OF CALIFORNIA**

At the end of title VIII, add the following:

1 **SEC. ____ . WILDFIRE SUPPRESSION.**

2 (a) IN GENERAL.—To ensure that sufficient fire-
3 fighting resources are available to suppress wildfires and
4 protect public safety and property, and notwithstanding
5 any other provision of law or agency regulation, not later
6 than 18 months after the date of enactment of this sec-
7 tion, the Administrator of the Federal Aviation Adminis-
8 tration shall promulgate an interim final rule under
9 which—

10 (1) an operation described in section
11 21.25(b)(7) of title 14, Code of Federal Regulations,
12 shall allow for the transport of firefighters to and
13 from the site of a wildfire to perform ground wildfire
14 suppression and designate the firefighters con-
15 ducting such an operation as essential crewmembers
16 on board a covered aircraft operated on a mission to
17 suppress wildfire;

18 (2) the aircraft maintenance, inspections, and
19 pilot training requirements under part 135 of such

1 title 14 may apply to such an operation, if deter-
2 mined by the Administrator to be necessary to main-
3 tain the safety of firefighters carrying out wildfire
4 suppression missions; and

5 (3) the noise standards described in part 36 of
6 such title 14 shall not apply to such an operation.

7 (b) SURPLUS MILITARY AIRCRAFT.—In promul-
8 gating any rule under subsection (a), the Administrator
9 shall not enable any aircraft of a type that has been manu-
10 factured in accordance with the requirements of and ac-
11 cepted for use by, any branch of the United States Mili-
12 tary and has been later modified to be used for wildfire
13 suppression operations.

14 (c) CONFORMING AMENDMENTS TO FAA DOCU-
15 MENTS.—In promulgating an interim final rule under sub-
16 section (a), the Administrator shall amend FAA Order
17 8110.56, Restricted Category Type Certification (dated
18 February 27, 2006), as well as any corresponding policy
19 or guidance material, to reflect the requirements of sub-
20 section (a).

21 (d) SAVINGS PROVISION.—Nothing in this section
22 shall be construed to limit the Administrator’s authority
23 to take action otherwise authorized by law to protect avia-
24 tion safety or passenger safety.

25 (e) DEFINITIONS.—In this section:

1 (1) COVERED AIRCRAFT.—The term “covered
2 aircraft” means an aircraft type-certificated in the
3 restricted category under section 21.25 of title 14,
4 Code of Federal Regulations, used for transporting
5 firefighters to and from the site of a wildfire in
6 order to perform ground wildfire suppression for the
7 purpose of extinguishing a wildfire on behalf of, or
8 pursuant to a contract with, a Federal, State, or
9 local government agency.

10 (2) FIREFIGHTERS.—The term “firefighters”
11 means a trained fire suppression professional the
12 transport of whom is necessary to accomplish a wild-
13 fire suppression operation.

