

117TH CONGRESS
2D SESSION

S. 4672

To modify the authority of the Secretary of Defense to transfer excess aircraft to other departments of the Federal Government and to authorize the Secretary to transfer excess aircraft to the Governor of a State, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28, 2022

Mr. PADILLA (for himself and Mr. CRAMER) introduced the following bill;
which was read twice and referred to the Committee on Armed Services

A BILL

To modify the authority of the Secretary of Defense to transfer excess aircraft to other departments of the Federal Government and to authorize the Secretary to transfer excess aircraft to the Governor of a State, and for other purposes.

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 “Emergency Aircraft
5 Act of 2022”.

1 **SEC. 2. MODIFICATION OF AUTHORITY OF SECRETARY OF**
 2 **DEFENSE TO TRANSFER EXCESS AIRCRAFT**
 3 **TO OTHER DEPARTMENTS OF THE FEDERAL**
 4 **GOVERNMENT AND AUTHORITY TO TRANS-**
 5 **FER EXCESS AIRCRAFT TO STATES.**

6 Section 1091 of the National Defense Authorization
 7 Act for Fiscal Year 2013 (Public Law 112–239; 10 U.S.C.
 8 2576 note) is amended—

9 (1) in the section heading, by inserting “**AND**
 10 **TO STATES**” after “**FEDERAL GOVERNMENT**”;

11 (2) in subsection (a), in the first sentence, by
 12 striking “and the Secretary of Homeland Security
 13 for use by the Forest Service and the United States
 14 Coast Guard” and inserting “for use by the Forest
 15 Service, to the Secretary of Homeland Security for
 16 use by the United States Coast Guard, and to the
 17 Governor of a State”;

18 (3) in subsection (b)—

19 (A) in paragraph (1), by striking “or the
 20 United States Coast Guard as a suitable plat-
 21 form to carry out their respective missions” and
 22 inserting “, the United States Coast Guard, or
 23 the Governor of a State, as the case may be, as
 24 a suitable platform to carry out wildfire sup-
 25 pression, search and rescue, or emergency oper-
 26 ations pertaining to wildfires”;

1 (B) in paragraph (3), by striking “; and”
 2 and inserting a semicolon;

3 (C) in paragraph (4), by striking the pe-
 4 riod at the end and inserting “; and”; and

5 (D) by adding at the end the following new
 6 paragraph:

7 “(5) in the case of aircraft to be transferred to
 8 the Governor of a State, acceptable for use by the
 9 State, as determined by the Governor.”;

10 (4) by striking subsection (c);

11 (5) in subsection (d)—

12 (A) in paragraph (1)—

13 (i) by striking “up to seven”; and

14 (ii) by inserting “the Governor of a
 15 State or to” after “offered to”; and

16 (B) by amending paragraph (2) to read as
 17 follows:

18 “(2) EXPIRATION OF RIGHT OF REFUSAL.—A
 19 right of refusal afforded the Secretary of Agriculture
 20 or the Secretary of Homeland Security under para-
 21 graph (1) with regards to an aircraft shall expire
 22 upon official notice of such Secretary to the Sec-
 23 retary of Defense that such Secretary declines such
 24 aircraft.”;

25 (6) in subsection (e)—

1 (A) in the matter preceding paragraph (1),
2 by inserting “or to the Governor of a State”
3 after “the Secretary of Agriculture”;

4 (B) in paragraph (1), by striking “wildfire
5 suppression purposes” and inserting “purposes
6 of wildfire suppression, search and rescue, or
7 emergency operations pertaining to wildfires”;
8 and

9 (C) in paragraph (2)—

10 (i) by inserting “, search and rescue,
11 emergency operations pertaining to
12 wildfires,” after “efforts”; and

13 (ii) by inserting “or Governor of the
14 State, as the case may be,” after “Sec-
15 retary of Agriculture”;

16 (7) in subsection (f), by striking “or the Sec-
17 retary of Homeland Security” and inserting “, the
18 Secretary of Homeland Security, or the Governor of
19 a State”;

20 (8) in subsection (g), by striking “and the Sec-
21 retary of Homeland Security” and inserting “, the
22 Secretary of Homeland Security, or the Governor of
23 the State to which such aircraft is transferred”;

24 (9) by adding at the end the following new sub-
25 section:

1 “(h) REPORTING.—Not later than December 1, 2022,
2 and annually thereafter, the Secretary of Defense shall
3 submit to the Committees on Armed Services of the Sen-
4 ate and the House of Representatives a report on aircraft
5 transferred, during the fiscal year preceding the date of
6 such report, to—

7 “(1) the Secretary of Agriculture, the Secretary
8 of Homeland Security, or the Governor of a State
9 under this section;

10 “(2) the chief executive officer of a State under
11 section 112 of the National Defense Authorization
12 Act for Fiscal Year 2012 (Public Law 112–81; 125
13 Stat. 1318); or

14 “(3) the Secretary of the Air Force or the Sec-
15 retary of Agriculture under section 1098 of the Na-
16 tional Defense Authorization Act for Fiscal Year
17 2014 (Public Law 113–66; 127 Stat. 881).”; and

18 (10) by redesignating subsections (d) through
19 (h) as subsections (c) through (g), respectively.

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