

115TH CONGRESS  
2D SESSION

# H. R. 6799

To authorize disaster recovery assistance for areas affected by wildfires on Federal Lands, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2018

Mr. TIPTON introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Natural Resources, and Small Business, 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

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## A BILL

To authorize disaster recovery assistance for areas affected by wildfires on Federal Lands, 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 “Federal Lands Fire-  
5 Related Incidents Recovery and Economic Stimulus Act  
6 of 2018” or the “Federal Lands FIRES Act of 2018”.

1 **SEC. 2. FEDERAL LANDS WILDFIRE DISASTER DECLARA-**  
2 **TION.**

3 (a) ELIGIBLE WILDFIRES.—The President may de-  
4 clare a Federal lands wildfire disaster under this section  
5 for any wildfire—

6 (1) for which a request for a declaration under  
7 this section has been made pursuant to subsection  
8 (b);

9 (2) that has burned an area 40 percent or more  
10 of which consists of Federal lands; and

11 (3) that in the determination of the President  
12 causes damage of sufficient severity and magnitude  
13 to warrant assistance under this Act to supplement  
14 the efforts and available resources of States, local  
15 governments, Indian tribes, and disaster relief orga-  
16 nizations in alleviating the damage, loss, hardship,  
17 or suffering caused thereby.

18 In making such a declaration, the President shall specify  
19 the area for which assistance under section 3 may be pro-  
20 vided for secondary and tertiary damages described in sec-  
21 tion 3(d)(1)(B), which may include only areas included in  
22 the request for the declaration pursuant to subsection  
23 (b)(3) of this section.

24 (b) REQUEST FOR DECLARATION.—

25 (1) MAKING.—A request for a declaration of a  
26 Federal lands wildfire disaster may be made by—

1 (A) the Governor of a State affected by a  
2 wildfire; or

3 (B) the Chief Executive of an Indian tribal  
4 government affected by a wildfire.

5 (2) BASIS.—A request for a declaration of a  
6 Federal lands wildfire disaster shall be based on a  
7 finding that the wildfire is of such severity and mag-  
8 nitude that effective response is beyond the capabili-  
9 ties of the State and the affected local governments  
10 and that Federal assistance is necessary. As part of  
11 such request, and as a prerequisite to assistance  
12 under this Act, the Governor or Chief Executive of  
13 the Indian tribal government making the request  
14 shall take appropriate response action under State  
15 or tribal law and direct execution of the State's or  
16 tribe's emergency plan. The Governor or Chief Exec-  
17 utive shall furnish to the President and the Sec-  
18 retary of Housing and Urban Development informa-  
19 tion on the nature and amount of State, local, and  
20 tribal resources which have been or will be com-  
21 mitted to alleviating the results of the wildfire, and  
22 shall certify that, for the current wildfire, State,  
23 local, or tribal government obligations and expendi-  
24 tures, as applicable (of which State or tribal commit-  
25 ments shall be a significant proportion) will comply

1 with all applicable cost-sharing requirements of this  
2 Act.

3 (3) AREA OF SECONDARY AND TERTIARY DAM-  
4 AGE.—In making a request for a declaration under  
5 this section of a Federal lands wildfire disaster, the  
6 Governor or Chief Executive of an Indian tribal gov-  
7 ernment shall include a designation of an area with-  
8 in which assistance under section 3 may be provided  
9 for secondary and tertiary damages described in sec-  
10 tion 3(d)(1)(B), which may not include any area  
11 more than 100 miles from the area directly subject  
12 to the wildfire involved.

13 (c) SAVINGS PROVISION.—Nothing in this section  
14 may be construed to prohibit an Indian tribal government  
15 from receiving assistance under this Act through a dec-  
16 laration made by the President at the request under sub-  
17 section (a) of a State if the President does not make a  
18 declaration for the tribal government for the same wild-  
19 fire.

20 **SEC. 3. DISASTER RECOVERY ASSISTANCE FOR FEDERAL**  
21 **LANDS WILDFIRE DISASTERS.**

22 (a) AUTHORITY.—The Secretary of Housing and  
23 Urban Development (in this section referred to as the  
24 “Secretary”) may provide assistance under this section to  
25 States, units of general local government, and Indian

1 tribes for necessary expenses for activities authorized  
2 under title I of the Housing and Community Development  
3 Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster  
4 relief, long-term recovery, restoration of infrastructure  
5 and housing, and economic revitalization in the most im-  
6 pacted and distressed areas resulting from a Federal lands  
7 wildfire disaster declared pursuant to section 2 of this Act.

8 (b) DIRECT AWARD OF ASSISTANCE.—Funds for as-  
9 sistance under this section shall be awarded directly to the  
10 State, unit of general local government, or Indian tribe  
11 at the discretion of the Secretary.

12 (c) PLAN FOR USE.—Prior to the obligation of funds  
13 a grantee shall submit a plan to the Secretary for approval  
14 detailing the proposed use of all funds, including criteria  
15 for eligibility and how the use of such funds will address  
16 long-term recovery and restoration of infrastructure and  
17 housing and economic revitalization in the most impacted  
18 and distressed areas.

19 (d) ELIGIBLE USE.—

20 (1) QUALIFYING BUSINESS.—Businesses eligible  
21 for assistance under this section shall include—

22 (A) businesses operating on federally  
23 owned property, including camps, resorts, and  
24 recreational businesses; and

1 (B) businesses impacted by the secondary  
2 and tertiary damage in connection with the  
3 wildfire for which the Federal lands wildfire  
4 disaster was declared, including mudslides,  
5 rockslides, falling trees, and other events caus-  
6 ing damage that is not directly caused by fire.

7 (2) LIMITATION.—Notwithstanding any other  
8 provision of this section, assistance under this sec-  
9 tion in connection with a Federal lands wildfire dis-  
10 aster may not be provided for any business that,  
11 during the last calendar year ending before the dec-  
12 laration of such disaster, had gross revenues exceed-  
13 ing \$3,000,000.

14 (e) FINANCIAL CONTROLS.—As a condition of mak-  
15 ing any grant under this section, the Secretary shall cer-  
16 tify in advance that such grantee has in place proficient  
17 financial controls and procurement processes and has es-  
18 tablished adequate procedures to prevent any duplication  
19 of benefits as defined by section 312 of the Robert T. Staf-  
20 ford Disaster Relief and Emergency Assistance Act (42  
21 U.S.C. 5155), to ensure timely expenditure of funds, to  
22 maintain comprehensive websites regarding all disaster re-  
23 covery activities assisted with such funds, and to detect  
24 and prevent waste, fraud, and abuse of funds.

1       (f) PROHIBITION.—Funds provided under this sec-  
2 tion may not be used for activities reimbursable by, or for  
3 which funds are made available by, the Federal Emer-  
4 gency Management Agency or the Army Corps of Engi-  
5 neers.

6       (g) TREATMENT.—Funds made available under this  
7 section shall not be considered relevant to the non-disaster  
8 formula allocations made pursuant to section 106 of the  
9 Housing and Community Development Act of 1974 (42  
10 U.S.C. 5306).

11       (h) ADMINISTRATIVE COSTS.—A State, unit of gen-  
12 eral local government, Indian tribe, or subdivision thereof  
13 may use up to 5 percent of amounts received under this  
14 section for administrative costs.

15       (i) WAIVERS.—

16           (1) AUTHORITY.—In administering funds made  
17 available for assistance in accordance with this sec-  
18 tion, the Secretary may waive, or specify alternative  
19 requirements for, any provision of any statute or  
20 regulation that the Secretary administers in connec-  
21 tion with the obligation by the Secretary or the use  
22 by the recipient of such funds (except for require-  
23 ments related to fair housing, nondiscrimination,  
24 labor standards, and the environment), if the Sec-  
25 retary finds that good cause exists for the waiver or

1        alternative requirement and such waiver or alter-  
2        native requirement would not be inconsistent with  
3        the overall purpose of title I of the Housing and  
4        Community Development Act of 1974.

5            (2) NOTICE.—The Secretary shall publish via  
6        notice in the Federal Register any waiver, or alter-  
7        native requirement, to any statute or regulation that  
8        the Secretary administers pursuant to title I of the  
9        Housing and Community Development Act of 1974  
10       no later than 5 days before the effective date of such  
11       waiver or alternative requirement.

12        (j) EXEMPTION FROM ENVIRONMENTAL REVIEW RE-  
13       QUIREMENTS.—An action that is taken or assistance that  
14       is provided pursuant to this section that has the effect  
15       of restoring a facility substantially to its condition prior  
16       to the Federal lands wildfire disaster that affected such  
17       facility shall not be deemed a major Federal action signifi-  
18       cantly affecting the quality of the human environment  
19       within the meaning of the National Environmental Policy  
20       Act of 1969 (42 U.S.C. 4321 et seq.).

21        (k) OVERSIGHT COSTS.—Of any amounts made avail-  
22       able for assistance in accordance with this section, up to  
23       0.1 percent may be transferred, in aggregate, to the De-  
24       partment of Housing and Urban Development account for  
25       Program Office Salaries and Expenses—Community Plan-



1 ning and Development for necessary costs, including infor-  
2 mation technology costs, of administering and overseeing  
3 the obligation and expenditure of amounts for assistance  
4 under this section.

5 (l) REPORTS.—The Secretary shall require each  
6 State, unit of general local government, and Indian tribe  
7 for which assistance amounts under this section are pro-  
8 vided to report annually during the 5-year period begin-  
9 ning upon the provision of such funds regarding the use  
10 of such funds and compliance with the plan for such use  
11 under subsection (c).

12 (m) RECAPTURE OF UNUSED FUNDS.—If any  
13 amounts made available for assistance under this section  
14 to a grantee in connection with a Federal lands wildfire  
15 disaster remain unexpended upon the expiration of the 5-  
16 year period beginning upon the Secretary obligating such  
17 amounts to the grantee, the Secretary shall recapture such  
18 unexpended amounts and transfer such amounts to the  
19 Secretary of the Treasury for deposit into the General  
20 Fund of the Treasury.

21 (n) AUTHORIZATION OF APPROPRIATIONS.—There is  
22 authorized to be appropriated such sums as may be nec-  
23 essary to provide assistance under this section in connec-  
24 tion with each Federal lands wildfire disaster declared  
25 under section 2.

1 **SEC. 4. ELIGIBILITY FOR SBA ECONOMIC INJURY DISASTER**  
2 **LOANS.**

3 Section 7(b)(2) of the Small Business Act (15 U.S.C.  
4 636(b)(2)) is amended—

5 (1) in subparagraph (C), by striking “or” at  
6 the end;

7 (2) by redesignating subparagraph (D) as sub-  
8 paragraph (E);

9 (3) by inserting after subparagraph (C) the fol-  
10 lowing:

11 “(D) a Federal lands wildfire disaster, as  
12 declared by the President under section 2 of the  
13 Federal Lands FIRES Act of 2018; or”; and

14 (4) in subparagraph (E), as so redesignated, by  
15 striking “subparagraph (A), (B), or (C)” and insert-  
16 ing “subparagraph (A), (B), (C), or (D)”.

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