

118TH CONGRESS
2D SESSION

H. R. 9760

To establish a community protection and wildfire resilience grant program,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 23, 2024

Mr. HUFFMAN (for himself and Mr. OBERNOLTE) introduced the following bill; which was referred to the Committee on Science, Space, and Technology, and in addition to the Committees on Natural Resources, and Agriculture, 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

A BILL

To establish a community protection and wildfire resilience
grant program, 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 “Community Protection
5 and Wildfire Resilience Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of the Federal
3 Emergency Management Agency.

4 (2) CHIEF.—The term “Chief” means the Chief
5 of the Forest Service.

6 (3) COMMUNITY PROTECTION AND WILDFIRE
7 RESILIENCE PLAN.—The term “community protec-
8 tion and wildfire resilience plan” means a plan
9 that—

10 (A) is developed by an eligible entity in co-
11 ordination with—

12 (i) the local community and govern-
13 ment;

14 (ii) local Indian Tribes;

15 (iii) local law enforcement, fire-
16 fighters, first responders, fire managers,
17 and utilities;

18 (iv) non-governmental organizations
19 carrying out relevant projects or relevant
20 operations locally; and

21 (v) State agencies responsible for—

22 (I) fire prevention and emergency
23 response;

24 (II) other emergency response;

25 (III) public safety;

1 (IV) environmental protection;
2 and
3 (V) forest management.

4 (B) includes strategies and activities relat-
5 ing to—

6 (i) improving early detection tech-
7 nology, public outreach and education,
8 alerts and warnings, evacuation planning,
9 evacuation execution, and access for first
10 responders;

11 (ii) addressing vulnerable populations,
12 including the elderly, children, individuals
13 with disabilities, and homeless individuals;

14 (iii) hardening and increasing the re-
15 siliency of critical infrastructure and
16 homes, including through incentive pro-
17 grams;

18 (iv) applying community-scale defen-
19 sible space projects, developed collabo-
20 ratively with the entities described in
21 clauses (i) through (iii) of subparagraph
22 (A), across contiguous areas;

23 (v) building local capacity to imple-
24 ment and oversee the plan;

1 (vi) implementing strategic land use
2 planning;

3 (vii) educating community members
4 about ways to improve community resil-
5 ience;

6 (viii) coordinating any existing wild-
7 fire plans, such as a community wildfire
8 protection plan or a community emergency
9 evacuation plan; and

10 (ix) incorporating information from a
11 map generated pursuant to section 210(a)
12 of division O of the Consolidated Appro-
13 priations Act, 2018 (16 U.S.C. 6501 note;
14 Public Law 115–141); and

15 (C) may consist of existing plans or other
16 efforts, provided that any such plan complies
17 with subparagraphs (A) and (B).

18 (4) CRITICAL INFRASTRUCTURE.—The term
19 “critical infrastructure” means any public safety,
20 health, education, transportation, communications,
21 or water or power utility infrastructure or any pri-
22 vate infrastructure necessary to preserve community
23 safety, resilience, or continuity of operation of such
24 infrastructure with respect to a wildfire threat.

1 (5) DEFENSIBLE SPACE PROJECT.—The term
2 “defensible space project”—

3 (A) means a project that is conducted
4 within a radius of not more than 100 feet
5 around a home, business, or administrative fa-
6 cility, and is comprised of vegetation pruning,
7 such as annual removal of tree seedlings and
8 saplings, lower limbs of mature trees, cutting of
9 grasses and reducing density and continuity of
10 shrubs, and removal of most small twigs and
11 leaves; or

12 (B) at the discretion of the Administrator,
13 if a project funded under the program is being
14 carried out in a State that has established, by
15 law, a more restrictive definition of the term,
16 has the meaning given the term in State law.

17 (6) ELIGIBLE ENTITY.—The term “eligible enti-
18 ty” means—

19 (A) a State;

20 (B) an Indian Tribe;

21 (C) a unit of general local or regional gov-
22 ernment, including a fire protection district or
23 a municipal fire department;

24 (D) a volunteer fire department; or

1 (E) a collaborative effort of not less than
2 2 entities described in subparagraphs (A)
3 through (D).

4 (7) PROGRAM.—The term “program” means
5 the grant program established under section 3(a).

6 (8) STATE.—The term “State” means a State
7 of the United States, the District of Columbia,
8 Guam, Puerto Rico, the Virgin Islands, American
9 Samoa, the Northern Mariana Islands, and any
10 other territory or possession of the United States.

11 **SEC. 3. COMMUNITY PROTECTION AND WILDFIRE RESIL-**
12 **IENCE GRANT PROGRAM.**

13 (a) ESTABLISHMENT.—Not later than 1 year after
14 the date of enactment of this Act, the Administrator, act-
15 ing through the United States Fire Administrator and in
16 coordination with the Chief, shall establish a program,
17 which shall be separate from the program established
18 under section 203 of the Robert T. Stafford Disaster Re-
19 lief and Emergency Assistance Act (42 U.S.C. 5133),
20 under which the Administrator shall award grants to eligi-
21 ble entities to—

22 (1) in the case of an eligible entity that has a
23 community protection and wildfire resilience plan,
24 carry out projects described in the community pro-

1 tection and wildfire resilience plan of the eligible en-
2 tity in accordance with subsection (c); or

3 (2) in the case of an eligible entity that does
4 not have a community protection and wildfire resil-
5 ience plan, develop a community protection and wild-
6 fire resilience plan in accordance with subsection (d).

7 (b) CRITERIA FOR GRANTS.—

8 (1) IN GENERAL.—Not later than 1 year after
9 the date of enactment of this Act, the Administrator,
10 acting through the United States Fire Administrator
11 and in coordination with the Chief, shall establish
12 criteria to award grants under the program.

13 (2) COMMUNITIES.—Amounts provided under
14 the program shall be used to conduct projects and
15 activities only in communities in existence on the
16 date of enactment of this Act.

17 (3) PRIORITY.—In awarding grants under the
18 program, the Administrator shall give priority to eli-
19 gible entities that will carry out projects or plans
20 supporting a community located in an area with a
21 high risk for fire or wildfire, as evidenced by a State
22 wildfire hazard map or a map generated pursuant to
23 section 210(a) of division O of the Consolidated Ap-
24 propriations Act, 2018 (16 U.S.C. 6501 note; Public
25 Law 115–141).

1 (c) COMMUNITY PROTECTION AND WILDFIRE RESIL-
2 IENCE GRANTS.—

3 (1) USE OF GRANT FUNDS.—An eligible entity
4 that receives a grant under the program must use
5 grant funds to carry out projects that support a di-
6 verse portfolio of community protection and wildfire
7 resilience strategies described in the community pro-
8 tection and wildfire resilience plan of the eligible en-
9 tity.

10 (2) GRANT AMOUNTS.—A grant under this sub-
11 section shall be for not more than \$10,000,000.

12 (d) COMMUNITY PROTECTION AND WILDFIRE RESIL-
13 IENCE PLAN DEVELOPMENT GRANTS.—

14 (1) USE OF GRANT FUNDS.—An eligible entity
15 that receives a grant under the program may use
16 grant funds to develop a community protection and
17 wildfire resilience plan for the eligible entity.

18 (2) GRANT AMOUNTS.—An award under this
19 subsection shall be for not more than \$250,000.

20 (e) PREFERENCE FOR LOCAL CONTRACTORS AND
21 LABOR.—In carrying out a project using a grant awarded
22 under the program, the grant recipient shall, to the max-
23 imum extent practicable, give preference to contracting
24 with entities, and hiring individuals, from the area in
25 which the project is being carried out, including by

1 partnering with local corps groups such as AmeriCorps or
2 a conservation corps.

3 (f) COST-SHARING.—

4 (1) NON-FEDERAL SHARE REQUIREMENT.—The
5 non-Federal share of the cost (including the admin-
6 istrative cost) of carrying out a project using funds
7 from a grant awarded under the program—

8 (A)(i) shall be not less than 25 percent of
9 the cost of the project to be carried out using
10 grant funds in accordance with subsection (c);
11 and

12 (ii) shall be 0 percent of the cost of the
13 project to be carried out using grant funds in
14 accordance with subsection (d);

15 (B) may be provided by—

16 (i) a State, a unit of local government,
17 an Indian Tribe, a nonprofit organization,
18 private industry, or a combination of those
19 entities; or

20 (ii) volunteer hours and in-kind dona-
21 tions; and

22 (C) may, in the case of a project that
23 serves a low-income community, be in the form
24 of a low-interest Federal loan to the eligible en-
25 tity carrying out the project through the Com-

1 community Disaster Loan program authorized
2 under section 417 of the Robert T. Stafford
3 Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5184).

5 (2) WAIVER; REDUCTION.—In carrying out the
6 program, the Administrator may waive or reduce the
7 non-Federal share amount required under paragraph
8 (1).

9 (g) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to carry out the pro-
11 gram \$1,000,000,000 for each of fiscal years 2024
12 through 2028.

13 **SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

14 Not later than 1 year after the date of enactment
15 of this Act, the Comptroller General of the United States
16 shall publish a report—

17 (1) on authorities and programs of the Federal
18 Government that are available to protect commu-
19 nities from wildfires; and

20 (2) that includes an assessment of the Comp-
21 troller General with respect to impediments to the
22 implementation of such programs, including gaps in
23 funding.

1 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Comptroller General of the United States
4 shall publish a study that includes—

5 (1) an assessment of the Comptroller General
6 with respect to—

7 (A) the potential for a community protec-
8 tion and wildfire resilience plan to qualify for a
9 certification identifying a level of wildfire sur-
10 vivability and resilience; and

11 (B) methods that could be used by the
12 Federal Government to incentivize insurance
13 companies to accept such a certification; and

14 (2) an identification of any metrics that could
15 be provided to insurance companies as assurance
16 that a community has wildfire resilience measures in
17 place.

18 **SEC. 6. UPDATING LIST OF AT-RISK COMMUNITIES.**

19 (a) IN GENERAL.—Subparagraph (A) of section
20 101(1) of the Healthy Forests Restoration Act of 2003
21 (16 U.S.C. 6511(1)(A)) is amended to read as follows:

22 “(A) that is comprised of a group of homes
23 and other structures with basic infrastructure
24 and services (such as utilities and collectively
25 maintained transportation routes) within or ad-
26 jacent to Federal land;”.

1 (b) MAP.—Not later than 180 days after the date of
2 enactment of this Act, and every 5 years thereafter, the
3 Administrator, acting through the United States Fire Ad-
4 ministrator and in coordination with the Chief, shall de-
5 velop and publish a map depicting at-risk communities (as
6 defined in section 101 of the Healthy Forests Restoration
7 Act of 2003 (16 U.S.C. 6511), as amended by this sec-
8 tion), including Tribal at-risk communities.

9 **SEC. 7. REPORT ON RADIO COMMUNICATIONS.**

10 (a) IN GENERAL.—Not later than 2 years after the
11 date of enactment of this Act, the Administrator, acting
12 through the United States Fire Administrator and in co-
13 ordination with the Chief, shall prepare a report relating
14 to insufficient radio frequencies, barriers to interoper-
15 ability of radio frequencies, and available products and
16 technologies for overcoming barriers to interoperability for
17 wildfire management.

18 (b) COOPERATION.—In preparing the report under
19 subsection (a), the Administrator shall cooperate with—

20 (1) the Secretary of Agriculture;

21 (2) agencies responsible for the management of
22 Federal land;

23 (3) State fire marshals;

24 (4) State and local emergency response agen-
25 cies;

1 (5) Tribal fire departments and emergency
2 managers; and

3 (6) municipal fire departments, fire protection
4 districts, and volunteer fire departments in relevant
5 communities.

6 (c) COMPATIBILITY; ADDITIONAL FREQUENCIES.—

7 The report under subsection (a) shall include—

8 (1) a determination on whether the entities de-
9 scribed in subsection (b) have the ability to commu-
10 nicate by way of radio during a potential fire sup-
11 pression effort for a community conflagration;

12 (2) a determination on whether—

13 (A) the reserved radio frequencies are suf-
14 ficient for wildfire management; or

15 (B) additional frequencies, listed by type
16 and location, are recommended to be reserved
17 or obtained;

18 (3) an analysis of commercially available tech-
19 nology and products to enable radios from multiple
20 agencies operating on different radio frequencies to
21 be interoperable; and

22 (4) if the Administrator determines under para-
23 graph (1) that any entities do not have the ability
24 to communicate, a plan for ensuring such entities
25 would be able to communicate adequately during a

1 fire suppression effort for a community conflagra-
2 tion.

3 **SEC. 8. AMENDMENT TO COMMUNITY WILDFIRE DEFENSE**
4 **GRANT PROGRAM TO ALLOW STRUCTURE**
5 **HARDENING.**

6 Section 40803(f) of the Infrastructure Investment
7 and Jobs Act (16 U.S.C. 6592(f)) is amended—

8 (1) in paragraph (1)(B), by striking “projects”
9 and inserting “projects (including covered
10 projects)”; and

11 (2) in paragraph (3), by adding at the end the
12 following new subparagraph:

13 “(D) COVERED PROJECTS DEFINED.—In
14 this subsection, the term ‘covered projects’
15 means the following:

16 “(i) The construction, modification, or
17 maintenance of a structure to make the
18 structure resistant to the intrusion of
19 flames or embers.

20 “(ii) The modification of a structure
21 or an area adjacent to a structure, (includ-
22 ing vegetation and miscellaneous struc-
23 tures, such as garages, sheds, and fencing)
24 if such modification is carried out—

1 “(I) to reduce the exposure of the
2 structure to direct contact from flame,
3 radiation, or embers from wildfire;
4 and

5 “(II) with consideration for the
6 potential effects on the structure of
7 nearby combustible features (including
8 vegetation, vehicles, and miscellaneous
9 structures, such as garages, sheds,
10 and fencing).”.

○