

Calendar No. 550

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
118-237 }

**FIRE MANAGEMENT ASSISTANCE GRANTS
FOR TRIBAL GOVERNMENTS ACT**

R E P O R T

OF THE

**COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE**

TO ACCOMPANY

S. 4654

**TO AMEND THE ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT TO ALLOW INDIAN TRIBAL
GOVERNMENTS TO DIRECTLY REQUEST FIRE MANAGEMENT
ASSISTANCE DECLARATIONS AND GRANTS, AND FOR OTHER
PURPOSES**



NOVEMBER 12, 2024.—Ordered to be printed

U.S. GOVERNMENT PUBLISHING OFFICE

59-010

WASHINGTON : 2024

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

GARY C. PETERS, Michigan, *Chairman*

THOMAS R. CARPER, Delaware	RAND PAUL, Kentucky
MAGGIE HASSAN, New Hampshire	RON JOHNSON, Wisconsin
KYRSTEN SINEMA, Arizona	JAMES LANKFORD, Oklahoma
JACKY ROSEN, Nevada	MITT ROMNEY, Utah
JON OSSOFF, Georgia	RICK SCOTT, Florida
RICHARD BLUMENTHAL, Connecticut	JOSH HAWLEY, Missouri
LAPHONZA R. BUTLER, California	ROGER MARSHALL, Kansas

DAVID M. WEINBERG, *Staff Director*

ALAN S. KAHN, *Chief Counsel*

CHRISTOPHER J. MULKINS, *Director of Homeland Security*

NAVEED JAZAYERI, *Senior Professional Staff Member*

WILLIAM E. HENDERSON III, *Minority Staff Director*

CHRISTINA N. SALAZAR, *Minority Chief Counsel*

ANDREW J. HOPKINS, *Minority Counsel*

MEGAN M. KRYNEN, *Minority Professional Staff Member*

LAURA W. KILBRIDE, *Chief Clerk*

Calendar No. 550

118TH CONGRESS }
2d Session }

SENATE

{ REPORT
118-237

**FIRE MANAGEMENT ASSISTANCE GRANTS FOR TRIBAL
GOVERNMENTS ACT**

NOVEMBER 12, 2024.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 4654]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4654) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to allow Indian tribal governments to directly request fire management assistance declarations and grants, and for other purposes, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill, as amended, do pass.

CONTENTS

	Page
I. Purpose and Summary	1
II. Background and Need for the Legislation	2
III. Legislative History	3
IV. Section-by-Section Analysis of the Bill, as Reported	3
V. Evaluation of Regulatory Impact	4
VI. Congressional Budget Office Cost Estimate	4
VII. Changes in Existing Law Made by the Bill, as Reported	5

I. PURPOSE AND SUMMARY

S. 4654, the *Fire Management Assistance Grants for Tribal Governments Act*, would amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) to give federally recognized Indian tribal governments (tribal governments) the ability to request Fire Management Assistance Grant (FMAG) declarations directly from the federal government. Currently, tribal gov-

ernments are only able to receive FMAG assistance as a sub-recipient of a declaration approved for a state. Tribal governments can directly request wildfire assistance under Emergency Declarations and Major Disaster Declarations. This bill would align tribal government authority to request assistance under all three types of declarations, including FMAG.

II. BACKGROUND AND NEED FOR THE LEGISLATION

The Federal Emergency Management Agency (FEMA) can provide disaster assistance for wildfires under three types of declarations:

- **FMAG Declarations:** A FMAG declaration can be requested by a governor when a wildfire burns on public or private land and threatens to become a major disaster. The request is then approved by the FEMA Regional Administrator. Under this program, FEMA provides aid with the goal of preventing wildfires from worsening and becoming major disasters by reimbursing the cost of equipment, supplies, and personnel used to manage, control, and minimize the immediate effects of a fire;¹

- **Emergency Declarations:** An Emergency Declaration can be declared for any occasion or instance when the President determines federal assistance is needed. Emergency Declarations supplement state and local efforts in providing emergency services, such as the protection of lives, property, public health, and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. Under an Emergency Declaration, federal assistance may become available for certain resources, such as emergency response work (debris removal and emergency protective measures) under the Public Assistance program and direct assistance to individuals for housing and other needs through the Individuals and Households Program; and²

- **Major Disaster Declarations:** The President can declare a Major Disaster Declaration for any natural event, including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought, or, regardless of cause, fire, flood, or explosion, that the President believes has caused damage of such severity that it is beyond the combined capabilities of state and local governments to respond. This declaration can provide a wider range of federal support, including all forms of Public Assistance emergency work and long-term infrastructure rebuilding, and all forms of Individual Assistance.³

The *Sandy Recovery Improvement Act (SRIA) of 2013*, amended the Stafford Act to give federally recognized tribal governments affected by an event the option to directly request an emergency or major disaster declaration from the President or join a state's request for a federal disaster declaration.⁴ This change recognized

¹ Federal Emergency Management Agency, *Fire Management Assistance Grant Program and Policy Guide* (FP-104-21-0002) (June 2021).

² Federal Emergency Management Agency, *Fact Sheet: Disaster Declaration Process* (www.fema.gov/pdf/media/factsheets/dad_disaster_declaration.pdf) (May 2011).

³ *Id.*

⁴ Sandy Recovery Improvement Act of 2013, Pub. L. No. 113-2, Sec. 1110 (2013).

that tribal governments have unique relationships with both states and the federal government and allowed tribal governments the self-determination for how they could seek Stafford Act assistance. The authorities granted under SRIA allow tribal governments to consider key factors when deciding whether to pursue their own declaration request, or be a subrecipient of a state's, such as tribal sovereignty, financial matters and timeliness of grant funds, and their own emergency management capacity.⁵

In the case of a wildfire emergency on tribal land, under current law, tribal governments are unable to directly request a FMAG declaration from the President, and can only receive grant assistance as a subrecipient of a state's declaration request.⁶ This bill would align the three declaration types for wildfire emergencies, so that tribal governments are able to directly request an FMAG declaration from the President or go through a state request.

III. LEGISLATIVE HISTORY

Senator Gary Peters (D–MI) introduced S. 4654, *the Fire Management Assistance Grants for Tribal Governments Act*, on July 10, 2024, with original cosponsor Senator Mike Rounds (R–SD). The bill was referred to the Committee on Homeland Security and Governmental Affairs.

The Committee considered S. 4654 at a business meeting on July 31, 2024. At the business meeting, Senator Peters offered a substitute amendment that would change the requirement for the President to issue regulations related to the bill from 360 days to 1-year following enactment. The Committee adopted the Peters substitute amendment by unanimous consent with Senators Peters, Carper, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Butler, Paul, Lankford, and Scott present.

The bill, as amended by the modified Peters substitute amendment, was ordered reported favorably, by a roll call vote of 10–1, with Senators Peters, Carper, Hassan, Sinema, Rosen, Ossoff, Blumenthal, Butler, Lankford, and Scott voting in the affirmative and Senator Paul voting in the negative. Senators Johnson, Romney, Hawley, and Marshall voted yea by proxy, for the record only.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section establishes the short title of the bill at the “Fire Management Assistance Grants for Tribal Governments Act.”

Section 2. Indian tribal government eligibility

Subsection (a) amends statute by inserting the term “Indian tribal government” into Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. It states that the Governor of a State or the Chief Executive of an Indian tribal government may directly submit a request to authorize assistance for fires described in the statute. The subsection provides that a tribal govern-

⁵Government Accountability Office, *EMERGENCY MANAGEMENT: Implementation of the Major Disaster Declaration Process for Federally Recognized Tribes* (GAO–18–443) (May 2018).

⁶Federal Emergency Management Agency, *Fire Management Assistance Grant Program and Policy Guide* (FP–104–21–0002) (June 2021); Federal Emergency Management Agency, *How a Disaster Gets Declared*, (<https://www.fema.gov/disaster/how-declared>) (July 2024).

ment is still able to receive assistance as a subrecipient of a state, even if the tribal governments request for assistance is denied.

Subsection (b) defines the term “fire management assistance declaration” as a declaration approved under section 204.21(a) of title 44, Code of Federal Regulations. It requires the President to issue regulations updating the Code of Federal Regulations to carry out this Act within 360 days after enactment and sets requirements for the contents of the regulations. Specifically, in issuing the regulations, the President must: (1) authorize FEMA to directly receive a request for fire management assistance directly from an Indian tribal government; (2) clarify that Indian tribal governments that are not approved to reviewed assistance are still eligible for assistance granted to the State; (3) consider the unique conditions that affect the general welfare of Indian tribal governments; and (4) enter into government-to-government consultation with Indian tribal governments regarding the regulations.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office’s statement that the bill contains no intergovernmental or private sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 4654, Fire Management Assistance Grants for Tribal Governments Act			
As ordered reported by the Senate Committee on Homeland Security and Governmental Affairs on July 31, 2024			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	0	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply?	No
		Mandate Effects	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

S. 4654 would allow Indian tribal governments to request fire management assistance declarations and receive grants directly from the Federal Emergency Management Agency (FEMA). Under current law, only states can directly request FEMA for a declaration that the threat of a fire sufficient to constitute a major dis-

aster exists. If the declaration is made, FEMA provides funds to the state to help them and local and tribal governments mitigate, manage, and control major fires on publicly or privately owned forests or grasslands.

CBO expects that implementing S. 4654 would expedite the process by which Indian tribal governments receive grant funding. Because tribes currently receive funding from state declarations and grants as well as from other disaster and emergency declarations and grants, CBO expects that implementing S. 4654 would not significantly increase the amount of grant funds that Indian tribes receive.

CBO also expects that FEMA would need to engage in rule-making to update the application process for fire assistance grants.

On that basis, CBO estimates that implementing S. 4654 would cost less than \$500,000 over the 2024–2029 period. Any related spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Margot Berman. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,
Director, Congressional Budget Office.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in brackets, new matter is printed in *italic*, and existing law in which no change is proposed is shown in roman):

ROBERT T. STAFFORD DISASTER RELIEF AND EMERGENCY ASSISTANCE ACT

* * * * *

TITLE IV—MAJOR DISASTER ASSISTANCE PROGRAMS

* * * * *

SEC. 420. FIRE MANAGEMENT ASSISTANCE.

(a) **IN GENERAL.**—The President is authorized to provide assistance, including grants, equipment, supplies, and personnel, to any State, *Indian tribal government*, or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

(b) **PROCEDURE FOR REQUEST.**—*The Governor of a State or the Chief Executive of an Indian tribal Government affected by a fire described in subsection (a) may directly submit a request to authorize assistance under this section.*

[(c)](b) * * *

[(d)](c) * * *

[(e)](d) * * *

[(f)](e) * * *

(g) **SAVINGS PROVISION.**—*Nothing in this section shall prohibit an Indian tribal government from receiving assistance under this section pursuant to an authorization made at the request of a State*

under subsection (b) if assistance is not authorized under this section for the same incident based on a request by the Indian tribal government under subsection (b).

* * * * *

○