

113TH CONGRESS
1ST SESSION

S. 1428

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for wildfire mitigation grants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2013

Mr. BENNET (for himself and Mr. CRAPO) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for wildfire mitigation grants, 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 “Prepare, Ready,
5 Equip, and Prevent Areas at Risk of Emergency Wildfires
6 Act of 2013” or the “PREPARE Act of 2013”.

1 **SEC. 2. WILDFIRE MITIGATION.**

2 Title II of the Robert T. Stafford Disaster Relief and
3 Emergency Assistance Act (42 U.S.C. 5131 et seq.) is
4 amended by inserting after section 203 the following:

5 **“SEC. 203A. WILDFIRE MITIGATION.**

6 “(a) DEFINITIONS.—In this section—

7 “(1) the term ‘Administrator’ means the Ad-
8 ministrator of the Federal Emergency Management
9 Agency;

10 “(2) the term ‘community wildfire protection
11 plan’ has the meaning given the term in section 101
12 of the Healthy Forests Restoration Act of 2003 (16
13 U.S.C. 6511);

14 “(3) the term ‘local mitigation plan’ means a
15 mitigation plan developed under section 322(b) that
16 addresses wildfire mitigation and preparedness; and

17 “(4) the term ‘State mitigation plan’ means a
18 mitigation plan developed under section 322(c) that
19 addresses wildfire mitigation and preparedness.

20 **“(b) ESTABLISHMENT OF WILDFIRE MITIGATION**
21 **AND PREPAREDNESS GRANT PROGRAM.**—The President,
22 acting through the Administrator, shall establish a pilot
23 program to make grants to States for wildfire mitigation
24 and preparedness.

25 **“(c) USE OF FUNDS.**—A grant under this section
26 may be used by a State—

1 “(1) to reduce the hazardous fuel load by re-
2 ducing the use of fuels that may contribute to cata-
3 strophic wildfires in high-risk areas;

4 “(2) to invest in personnel and organizations to
5 improve wildfire preparedness;

6 “(3) to invest in vehicles and other equipment
7 to improve wildfire preparedness;

8 “(4) to invest in air tankers or other airborne
9 assets to help contain, suppress, and monitor
10 wildfires;

11 “(5) to prevent damage from runoff into water-
12 ways and floods caused by erosion from wildfires;
13 and

14 “(6) at the discretion of the Governor of a
15 State, for any other wildfire mitigation and pre-
16 paredness activities on Federal, State, or private
17 land in the State, unless otherwise prohibited by law.

18 “(d) ELIGIBILITY FOR ASSISTANCE.—

19 “(1) IN GENERAL.—

20 “(A) ELIGIBILITY.—A State shall be eligi-
21 ble for assistance under this section if the sec-
22 tion 420 grant ratio for such State is equal to
23 or greater than 150 percent of the State popu-
24 lation ratio.

1 “(B) RATIOS.—For purposes of subpara-
2 graph (A)—

3 “(i) the section 420 grant ratio shall
4 be equal to the quotient of—

5 “(I) the number of declarations
6 for a grant under section 420 received
7 by the State during the 10 years prior
8 to the date on which an application
9 for assistance is submitted under this
10 section, divided by

11 “(II) the total number of declara-
12 tions for a grant under section 420 in
13 the United States during the 10 years
14 prior to the date on which an applica-
15 tion for assistance is submitted under
16 this section; and

17 “(ii) the State population ratio shall
18 be equal to the quotient of—

19 “(I) the population of the State,
20 based on the most recent data avail-
21 able from the Bureau of the Census
22 on the date on which an application
23 for assistance is submitted under this
24 section, divided by

1 “(II) the population of the
2 United States, based on the most re-
3 cent data available from the Bureau
4 of the Census on the date on which an
5 application for assistance is submitted
6 under this section.

7 “(2) WAIVER.—The President may waive the
8 requirement of paragraph (1) if a State—

9 “(A) files a petition for waiver of the re-
10 quirement of paragraph (1); and

11 “(B) demonstrates that significant envi-
12 ronmental changes or shifts in forest health put
13 the State at an elevated risk for catastrophic
14 wildfires, as determined by the President.

15 “(3) LOCAL ASSISTANCE.—The Governor of a
16 State may award funds received under this section,
17 to be used solely for the purposes set forth under
18 subsection (c), to—

19 “(A) any county or municipality in that
20 State with a community wildfire protection plan
21 or a local mitigation plan; or

22 “(B) any other entity that is explicitly ref-
23 erenced in and central to, in the determination
24 of the Governor, the design of a community

1 wildfire protection plan or a local mitigation
2 plan.

3 “(e) CRITERIA FOR ASSISTANCE.—In determining
4 whether to award a grant to a State under this section,
5 the President shall—

6 “(1) give preference to—

7 “(A) a State with a high level of need for
8 assistance based on the best scientific data
9 available, as determined by the President in
10 consultation with the Chief of the Forest Serv-
11 ice;

12 “(B) a State that provides matching non-
13 Federal funds, including funds from nongovern-
14 mental entities, equal to not less than 100 per-
15 cent of the amount of Federal funds made
16 available under this section; and

17 “(C) a State that previously received a
18 grant under this section and efficiently and ef-
19 fectively used the Federal funds for wildfire
20 mitigation and preparedness activities in the
21 State, as determined by the President; and

22 “(2) consider environmental conditions in a
23 State, including environmental changes, deterio-
24 rating forest health, and overall wildfire risk.

25 “(f) APPLICATION FOR ASSISTANCE.—

1 “(1) IN GENERAL.—To request a grant under
2 this section, a State shall submit an application to
3 the President in such form, in such manner, and
4 containing such information as the President may
5 reasonably require.

6 “(2) CONTENTS.—In addition to any other re-
7 quirements that may be specified by the President,
8 a State submitting an application for a grant under
9 this section shall demonstrate that—

10 “(A) the State has a publicly available
11 State mitigation plan;

12 “(B) the State shall provide matching non-
13 Federal funds equal to not less than 50 percent
14 of the amount of Federal funds made available
15 under this subsection; and

16 “(C) a county or municipality that may re-
17 ceive funds from the grant has a community
18 wildfire protection plan or a local mitigation
19 plan.

20 “(g) REPORT.—Not later than 1 year after the date
21 of receipt of a grant under this section, a State shall sub-
22 mit to the Administrator a report, which shall be made
23 publicly available, on the use of funds made available
24 under the grant.

25 “(h) FUNDING FOR ASSISTANCE.—

1 “(1) PREDISASTER MITIGATION FUND.—Sub-
2 ject to the availability of funds in the National
3 Predisaster Mitigation Fund established under sec-
4 tion 203(i), the President shall use not less than
5 \$20,000,000 and not more than \$30,000,000 from
6 unobligated amounts in the National Predisaster
7 Mitigation Fund for each of fiscal years 2014
8 through 2019 in carrying out this section.

9 “(2) RULE OF CONSTRUCTION.—Nothing in
10 this section shall be construed to increase the
11 amount of appropriations authorized for the Depart-
12 ment of Homeland Security in any given fiscal
13 year.”.

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