

114TH CONGRESS
1ST SESSION

S. 1997

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for wildfire mitigation grants and financial assistance in certain areas affected by wildfires.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 2015

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 financial assistance in certain areas affected by wildfires.

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 2015” or the “PREPARE Act of 2015”.

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 ‘eligible recipient’ means a State
15 or an Indian tribal government;

16 “(4) the term ‘local multi-hazard mitigation
17 plan’ means a mitigation plan developed by a local
18 government under section 322(b) that addresses
19 wildfire mitigation;

20 “(5) the term ‘State mitigation plan’ means a
21 mitigation plan developed by a State under section
22 322(c) that addresses wildfire mitigation; and

23 “(6) the term ‘tribal mitigation plan’ means a
24 mitigation plan developed by a tribal government
25 under section 322(b) that addresses wildfire mitiga-
26 tion.

1 “(b) ESTABLISHMENT OF WILDFIRE MITIGATION
2 GRANT PROGRAM.—The President, acting through the
3 Administrator, shall establish a pilot program to make
4 grants to eligible recipients for wildfire mitigation.

5 “(c) USE OF FUNDS.—A grant under this section
6 may be used by an eligible recipient—

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

10 “(2) to invest in personnel and organizations to
11 conduct wildfire mitigation;

12 “(3) to invest in vehicles and other equipment
13 to conduct wildfire mitigation;

14 “(4) to mitigate against damage from runoff
15 into waterways and floods caused by erosion from
16 wildfires;

17 “(5) to build essential community collaboration
18 and outline the necessary groundwork systems in an-
19 ticipation of future fires; and

20 “(6) at the discretion of the Governor of a
21 State or the Chief Executive of an Indian tribal gov-
22 ernment, and in consultation with the Administrator,
23 for any other wildfire mitigation activities in the
24 State or area under the jurisdiction of the Indian

1 tribal government, as applicable, unless otherwise
 2 prohibited by law.

3 “(d) ELIGIBILITY FOR ASSISTANCE.—

4 “(1) IN GENERAL.—

5 “(A) ELIGIBILITY.—An eligible recipient
 6 shall be eligible for assistance under this section
 7 if the section 420 grant ratio for the eligible re-
 8 cipient is equal to or greater than 125 percent
 9 of the population ratio of the eligible recipient.

10 “(B) RATIOS.—For purposes of subpara-
 11 graph (A)—

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

14 “(I) the number of declarations
 15 for a grant under section 420 received
 16 by the eligible recipient during the 10
 17 years prior to the date on which an
 18 application for assistance is submitted
 19 under this section, divided by

20 “(II) the total number of declara-
 21 tions for a grant under section 420 in
 22 the United States during the 10 years
 23 prior to the date on which an applica-
 24 tion for assistance is submitted under
 25 this section; and

1 “(ii) the population ratio of the eligi-
2 ble recipient shall be equal to the quotient
3 of—

4 “(I) the population of the State
5 or the area under the jurisdiction of
6 the Indian tribal government, as ap-
7 plicable, based on the most recent
8 data available from the Bureau of the
9 Census on the date on which an appli-
10 cation for assistance is submitted
11 under this section, divided by

12 “(II) the population of the
13 United States, based on the most re-
14 cent data available from the Bureau
15 of the Census on the date on which an
16 application for assistance is submitted
17 under this section.

18 “(2) WAIVER.—The President may waive the
19 requirement of paragraph (1) if an eligible recipi-
20 ent—

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

23 “(B) demonstrates that significant envi-
24 ronmental changes or shifts in forest health put
25 the eligible recipient at an elevated risk for cat-

1 astrophic wildfires, as determined by the Presi-
2 dent.

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

7 “(A) any county or municipality in that
8 State with a community wildfire protection plan
9 or a local multi-hazard mitigation plan;

10 “(B) any Indian tribal government in that
11 State with a tribal mitigation plan; or

12 “(C) any other entity that is explicitly ref-
13 erenced in and central to, in the determination
14 of the Governor, the design of a community
15 wildfire protection plan or a local multi-hazard
16 mitigation plan.

17 “(e) CRITERIA FOR ASSISTANCE.—In determining
18 whether to award a grant to an eligible recipient under
19 this section, the President shall—

20 “(1) give preference to—

21 “(A) an eligible recipient with a high level
22 of need for assistance based on the best sci-
23 entific data available;

24 “(B) an eligible recipient that previously
25 received a grant under this section and effec-

1 tively used the Federal funds for wildfire miti-
 2 gation activities in the State or area under the
 3 jurisdiction of the Indian tribal government, as
 4 applicable, as determined by the President; and

5 “(2) consider environmental conditions in a
 6 State or an area under the jurisdiction of an Indian
 7 tribal government, as applicable, including environ-
 8 mental changes, deteriorating forest health, and
 9 overall wildfire risk.

10 “(f) APPLICATION FOR ASSISTANCE.—

11 “(1) IN GENERAL.—To request a grant under
 12 this section, an eligible recipient shall submit an ap-
 13 plication to the Administrator in such form, in such
 14 manner, and containing such information as the Ad-
 15 ministrator may reasonably require.

16 “(2) CONTENTS.—In addition to any other re-
 17 quirements that may be specified by the Adminis-
 18 trator, an eligible recipient submitting an application
 19 for a grant under this section shall demonstrate
 20 that—

21 “(A) in the case of an eligible recipient
 22 that is a State—

23 “(i) the State has a State mitigation
 24 plan;

1 “(ii) the State shall provide matching
 2 non-Federal funds equal to not less than
 3 25 percent of the amount of Federal funds
 4 made available under this subsection;

5 “(iii) a county or municipality that
 6 may receive funds from the grant has a
 7 community wildfire protection plan or a
 8 local multi-hazard mitigation plan; and

9 “(iv) an Indian tribal government that
 10 may receive funds from the grant has a
 11 tribal mitigation plan; and

12 “(B) in the case of an eligible recipient
 13 that is an Indian tribal government—

14 “(i) the Indian tribal government has
 15 a tribal mitigation plan; and

16 “(ii) the Indian tribal government
 17 shall—

18 “(I) provide matching non-Fed-
 19 eral funds equal to not less than 25
 20 percent of the amount of Federal
 21 funds made available under this sub-
 22 section; or

23 “(II) if the Indian tribal govern-
 24 ment is a small impoverished commu-
 25 nity, as defined in section 203(a), pro-

1 vide non-matching Federal funds
2 equal to not less than 10 percent of
3 the amount of Federal funds made
4 available under this subsection.

5 “(g) REPORT.—Not later than 1 year after the date
6 of receipt of a grant under this section, the recipient shall
7 submit to the Administrator a report, which shall be made
8 publically available, on the use of funds made available
9 under the grant.

10 “(h) FUNDING FOR ASSISTANCE.—

11 “(1) PREDISASTER MITIGATION FUND.—Sub-
12 ject to the availability of funds in the National
13 Predisaster Mitigation Fund established under sec-
14 tion 203(i), the Administrator shall use not less than
15 \$20,000,000 and not more than \$30,000,000 from
16 unobligated amounts in the National Predisaster
17 Mitigation Fund for each of fiscal years 2016
18 through 2021 in carrying out this section.

19 “(2) RULE OF CONSTRUCTION.—Nothing in
20 this section shall be construed to increase the
21 amount of appropriations authorized for the Depart-
22 ment of Homeland Security in any given fiscal
23 year.”.

1 **SEC. 3. WILDFIRE MITIGATION ASSISTANCE.**

2 (a) IN GENERAL.—Section 420 of the Robert T.
3 Stafford Disaster Relief and Emergency Assistance Act
4 (42 U.S.C. 5187) is amended—

5 (1) by redesignating subsection (d) as sub-
6 section (e); and

7 (2) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) HAZARD MITIGATION ASSISTANCE.—Whether
10 or not a major disaster is declared, the President may pro-
11 vide hazard mitigation assistance in accordance with sec-
12 tion 404 in any area affected by a fire for which assistance
13 was provided under this section.”.

14 (b) CONFORMING AMENDMENTS.—The Robert T.
15 Stafford Disaster Relief and Emergency Assistance Act
16 (42 U.S.C. 5121 et seq.) is amended—

17 (1) in section 404(a) (42 U.S.C. 5170c(a))—

18 (A) by inserting before the first period “,
19 or any area in which assistance was provided
20 under section 420”; and

21 (B) in the third sentence, by inserting “or
22 event under section 420” after “major disaster”
23 each place that term appears; and

24 (2) in section 322 (e)(1) (42 U.S.C.
25 5165(e)(1)), by inserting “or event under section

1 420” after “major disaster” each place that term
 2 appears.

3 **SEC. 4. FACTORS TO CONSIDER FOR MAJOR DISASTER DEC-**
 4 **LARATION.**

5 Not later than 60 days after the date of enactment
 6 of this Act, the Administrator of the Federal Emergency
 7 Management Agency shall amend subsection (a) of section
 8 206.48 of title 44, Code of Federal Regulations, to require
 9 the Federal Emergency Management Agency to consider,
 10 in evaluating a Governor’s request for major disaster as-
 11 sistance under the Public Assistance Program, whether—

12 (1) post-fire flooding occurred within 5 years,
 13 and as a result, of a single wildfire event in the
 14 State; and

15 (2) the State received fire management assist-
 16 ance under section 420 of the Robert T. Stafford
 17 Disaster Relief and Emergency Assistance Act (42
 18 U.S.C. 5187) related to the major disaster for which
 19 the Governor is requesting assistance under the
 20 Public Assistance Program.

21 **SEC. 5. POST-FIRE FUNDING GUIDE.**

22 (a) CREATION AND DISTRIBUTION.—Not later than
 23 1 year after the date of enactment of this Act, the Admin-
 24 istrator of the Federal Emergency Management Agency

1 shall create and make publically available a post-fire recov-
2 ery funding and resource guide for local communities.

3 (b) INVOLVEMENT BY LOCAL LEADERS.—The Ad-
4 ministrator of the Federal Emergency Management Agen-
5 cy shall create the guide under subsection (a) in collabora-
6 tion with local leaders who have experienced wildfires in
7 their communities and who understand the requirements
8 for the use of Federal disaster funds.

9 (c) UPDATES.—The Administrator of the Federal
10 Emergency Management Agency shall update the guide
11 under subsection (a) as programs and resources change.

