

114TH CONGRESS
1ST SESSION

H. R. 2996

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish wildfire on Federal lands as a major disaster.

IN THE HOUSE OF REPRESENTATIVES

JULY 9, 2015

Mr. HARDY introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to establish wildfire on Federal lands as a major disaster.

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. WILDFIRE ON FEDERAL LANDS.**

4 Section 102(2) of the Robert T. Stafford Disaster
5 Relief and Emergency Assistance Act (42 U.S.C. 5122(2))
6 is amended—

7 (1) by striking “(2)” and all that follows
8 through “means” and inserting the following:

9 “(2) MAJOR DISASTER.—

1 “(A) MAJOR DISASTER.—The term ‘major
2 disaster’ means”; and

3 (2) by adding at the end the following:

4 “(B) MAJOR DISASTER FOR WILDFIRE ON
5 FEDERAL LANDS.—The term ‘major disaster
6 for wildfire on Federal lands’ means any wild-
7 fire or wildfires, which in the determination of
8 the President under section 802 warrants as-
9 sistance under section 803 to supplement the
10 efforts and resources of the Department of the
11 Interior or the Department of Agriculture—

12 “(i) on Federal lands; or

13 “(ii) on non-Federal lands pursuant
14 to a fire protection agreement or coopera-
15 tive agreement.”.

16 **SEC. 2. DECLARATION OF A MAJOR DISASTER FOR WILD-
17 FIRE ON FEDERAL LANDS.**

18 The Robert T. Stafford Disaster Relief and Emer-
19 gency Assistance Act (42 U.S.C. 5170 et seq.) is amended
20 by adding at the end the following:

21 **“TITLE VIII—MAJOR DISASTER
22 FOR WILDFIRE ON FEDERAL
23 LAND**

24 **“SEC. 801. DEFINITIONS.**

25 “As used in this title—

1 “(1) FEDERAL LAND.—The term ‘Federal land’
2 means—

3 “(A) any land under the jurisdiction of the
4 Department of the Interior; and

5 “(B) any land under the jurisdiction of the
6 United States Forest Service.

7 “(2) FEDERAL LAND MANAGEMENT AGEN-
8 CIES.—The term ‘Federal land management agen-
9 cies’ means—

10 “(A) the Bureau of Land Management;

11 “(B) the National Park Service;

12 “(C) the Bureau of Indian Affairs;

13 “(D) the United States Fish and Wildlife
14 Service; and

15 “(E) the United States Forest Service.

16 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

17 The term ‘wildfire suppression operations’ means the
18 emergency and unpredictable aspects of wildland
19 firefighting, including support, response, emergency
20 stabilization activities, and other emergency manage-
21 ment activities of wildland firefighting on Federal
22 lands (or on non-Federal lands pursuant to a fire
23 protection agreement or cooperative agreement) by
24 the Federal land management agencies covered by
25 the wildfire suppression subactivity of the Wildland

1 Fire Management account or the FLAME Wildfire
2 Suppression Reserve Fund account of the Federal
3 land management agencies.

4 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
5 **DISASTER FOR WILDFIRE ON FEDERAL**
6 **LANDS.**

7 “(a) IN GENERAL.—The Secretary of the Interior or
8 the Secretary of Agriculture may submit a request to the
9 President consistent with the requirements of this title for
10 a declaration by the President that a major disaster for
11 wildfire on Federal lands exists.

12 “(b) REQUIREMENTS.—A request for a declaration
13 by the President that a major disaster for wildfire on Fed-
14 eral lands exists shall—

15 “(1) be made in writing by the respective Sec-
16 retary;

17 “(2) certify that the amount appropriated in
18 the current fiscal year for wildfire suppression oper-
19 ations of the Federal land management agencies
20 under the jurisdiction of the respective Secretary,
21 net of any concurrently enacted rescissions of wild-
22 fire suppression funds, increases the total unobli-
23 gated balance of amounts available for wildfire sup-
24 pression by an amount equal to or greater than the
25 average total costs incurred by the Federal land

1 management agencies per year for wildfire suppres-
2 sion operations, including the suppression costs in
3 excess of appropriated amounts, over the previous
4 ten fiscal years;

5 “(3) certify that the amount available for wild-
6 fire suppression operations of the Federal land man-
7 agement agencies under the jurisdiction of the re-
8 spective Secretary will be obligated not later than 30
9 days after such Secretary notifies the President that
10 wildfire suppression funds will be exhausted to fund
11 ongoing and anticipated wildfire suppression oper-
12 ations related to the wildfire on which the request
13 for the declaration of a major disaster for wildfire
14 on Federal lands pursuant to this title is based; and

15 “(4) specify the amount required in the current
16 fiscal year to fund wildfire suppression operations
17 related to the wildfire on which the request for the
18 declaration of a major disaster for wildfire on Fed-
19 eral lands pursuant to this title is based.

20 “(c) DECLARATION.—Based on the request of the re-
21 spective Secretary under this title, the President may de-
22 clare that a major disaster for wildfire on Federal lands
23 exists.

1 **“SEC. 803. WILDFIRE ON FEDERAL LANDS ASSISTANCE.**

2 “(a) IN GENERAL.—In a major disaster for wildfire
3 on Federal lands, the President may transfer funds, only
4 from the account established pursuant to subsection (b),
5 to the Secretary of the Interior or the Secretary of Agri-
6 culture to conduct wildfire suppression operations on Fed-
7 eral lands (and non-Federal lands pursuant to a fire pro-
8 tection agreement or cooperative agreement).

9 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
10 COUNT.—The President shall establish a specific account
11 for the assistance available pursuant to a declaration
12 under section 802. Such account may only be used to fund
13 assistance pursuant to this title.

14 “(c) LIMITATION.—

15 “(1) LIMITATION OF TRANSFER.—The assist-
16 ance available pursuant to a declaration under sec-
17 tion 802 is limited to the transfer of the amount re-
18 quested pursuant to section 802(b)(4). The assist-
19 ance available for transfer shall not exceed the
20 amount contained in the wildfire suppression oper-
21 ations account established pursuant to subsection
22 (b).

23 “(2) TRANSFER OF FUNDS.—Funds under this
24 section shall be transferred from the wildfire sup-
25 pression operations account to the wildfire suppres-

1 sion subactivity of the Wildland Fire Management
2 Account.

3 “(d) PROHIBITION OF OTHER TRANSFERS.—Except
4 as provided in this section, no funds may be transferred
5 to or from the account established pursuant to subsection
6 (b) to or from any other fund or account.

7 “(e) REIMBURSEMENT FOR WILDFIRE SUPPRESSION
8 OPERATIONS ON NON-FEDERAL LAND.—If amounts
9 transferred under subsection (c) are used to conduct wild-
10 fire suppression operations on non-Federal land, the re-
11 spective Secretary shall—

12 “(1) secure reimbursement for the cost of such
13 wildfire suppression operations conducted on the
14 non-Federal land; and

15 “(2) transfer the amounts received as reim-
16 bursement to the wildfire suppression operations ac-
17 count established pursuant to subsection (b).

18 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
19 QUIREMENTS.—Not later than 90 days after the end of
20 each fiscal year for which assistance is received pursuant
21 to this section, the respective Secretary shall submit to
22 the Committees on Agriculture, Appropriations, the Budg-
23 et, Natural Resources, and Transportation and Infrastruc-
24 ture of the House of Representatives and the Committees
25 on Agriculture, Nutrition, and Forestry, Appropriations,

1 the Budget, Energy and Natural Resources, Homeland
2 Security and Governmental Affairs, and Indian Affairs of
3 the Senate, and make available to the public, a report that
4 includes the following:

5 “(1) The risk-based factors that influenced
6 management decisions regarding wildfire suppression
7 operations of the Federal land management agencies
8 under the jurisdiction of the Secretary concerned.

9 “(2) Specific discussion of a statistically signifi-
10 cant sample of large fires, in which each fire is ana-
11 lyzed for cost drivers, effectiveness of risk manage-
12 ment techniques, resulting positive or negative im-
13 pacts of fire on the landscape, impact of investments
14 in preparedness, suggested corrective actions, and
15 such other factors as the respective Secretary con-
16 siders appropriate.

17 “(3) Total expenditures for wildfire suppression
18 operations of the Federal land management agencies
19 under the jurisdiction of the respective Secretary,
20 broken out by fire sizes, cost, regional location, and
21 such other factors as the such Secretary considers
22 appropriate.

23 “(4) Lessons learned.

24 “(5) Such other matters as the respective Sec-
25 retary considers appropriate.

1 “(g) SAVINGS PROVISION.—Nothing in this title shall
2 limit the Secretary of the Interior, the Secretary of Agri-
3 culture, Indian tribe, or a State from receiving assistance
4 through a declaration made by the President under this
5 Act when the criteria for such declaration have been
6 met.”.

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