

AMENDMENT TO H.R. 4460

OFFERED BY MR. HUFFMAN OF CALIFORNIA

Add at the end of the bill the following:

1 **TITLE IV—WILDFIRE**
2 **SUPPRESSION**

3 **SEC. 401. 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.—

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

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

13 “(B) MAJOR DISASTER FOR WILDFIRE ON
14 FEDERAL LANDS.—The term ‘major disaster
15 for wildfire on Federal lands’ means any wild-
16 fire or wildfires, which in the determination of
17 the President under section 802 warrants as-
18 sistance under section 803 to supplement the
19 efforts and resources of the Department of the
20 Interior or the Department of Agriculture—

1 “(i) on Federal lands; or

2 “(ii) on non-Federal lands pursuant
3 to a fire protection agreement or coopera-
4 tive agreement.”.

5 **SEC. 402. DECLARATION OF A MAJOR DISASTER FOR WILD-
6 FIRE ON FEDERAL LANDS.**

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

10 **“TITLE VIII—MAJOR DISASTER
11 FOR WILDFIRE ON FEDERAL
12 LAND**

13 **“SEC. 801. DEFINITIONS.**

14 “As used in this title—

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

17 “(A) any land under the jurisdiction of the
18 Department of the Interior; and

19 “(B) any land under the jurisdiction of the
20 United States Forest Service.

21 “(2) FEDERAL LAND MANAGEMENT AGEN-
22 CIES.—The term ‘Federal land management agen-
23 cies’ means—

24 “(A) the Bureau of Land Management;

25 “(B) the National Park Service;

1 “(C) the Bureau of Indian Affairs;

2 “(D) the United States Fish and Wildlife
3 Service; and

4 “(E) the United States Forest Service.

5 “(3) WILDFIRE SUPPRESSION OPERATIONS.—

6 The term ‘wildfire suppression operations’ means the
7 emergency and unpredictable aspects of wildland
8 firefighting, including support, response, emergency
9 stabilization activities, and other emergency manage-
10 ment activities of wildland firefighting on Federal
11 lands (or on non-Federal lands pursuant to a fire
12 protection agreement or cooperative agreement) by
13 the Federal land management agencies covered by
14 the wildfire suppression subactivity of the Wildland
15 Fire Management account or the FLAME Wildfire
16 Suppression Reserve Fund account of the Federal
17 land management agencies.

18 **“SEC. 802. PROCEDURE FOR DECLARATION OF A MAJOR**
19 **DISASTER FOR WILDFIRE ON FEDERAL**
20 **LANDS.**

21 “(a) IN GENERAL.—The Secretary of the Interior or
22 the Secretary of Agriculture may submit a request to the
23 President consistent with the requirements of this title for
24 a declaration by the President that a major disaster for
25 wildfire on Federal lands exists.

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

4 “(1) be made in writing by the respective Sec-
5 retary;

6 “(2) certify that the amount appropriated in
7 the current fiscal year for wildfire suppression oper-
8 ations of the Federal land management agencies
9 under the jurisdiction of the respective Secretary,
10 net of any concurrently enacted rescissions of wild-
11 fire suppression funds, increases the total unobli-
12 gated balance of amounts available for wildfire sup-
13 pression by an amount equal to or greater than the
14 average total costs incurred by the Federal land
15 management agencies per year for wildfire suppres-
16 sion operations, including the suppression costs in
17 excess of appropriated amounts, over the previous
18 ten fiscal years;

19 “(3) certify that the amount available for wild-
20 fire suppression operations of the Federal land man-
21 agement agencies under the jurisdiction of the re-
22 spective Secretary will be obligated not later than 30
23 days after such Secretary notifies the President that
24 wildfire suppression funds will be exhausted to fund
25 ongoing and anticipated wildfire suppression oper-

1 ations related to the wildfire on which the request
2 for the declaration of a major disaster for wildfire
3 on Federal lands pursuant to this title is based; and

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

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

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

14 “(a) IN GENERAL.—In a major disaster for wildfire
15 on Federal lands, the President may transfer funds, only
16 from the account established pursuant to subsection (b),
17 to the Secretary of the Interior or the Secretary of Agri-
18 culture to conduct wildfire suppression operations on Fed-
19 eral lands (and non-Federal lands pursuant to a fire pro-
20 tection agreement or cooperative agreement).

21 “(b) WILDFIRE SUPPRESSION OPERATIONS AC-
22 COUNT.—The President shall establish a specific account
23 for the assistance available pursuant to a declaration
24 under section 802. Such account may only be used to fund
25 assistance pursuant to this title.

1 “(c) LIMITATION.—

2 “(1) LIMITATION OF TRANSFER.—The assist-
3 ance available pursuant to a declaration under sec-
4 tion 802 is limited to the transfer of the amount re-
5 quested pursuant to section 802(b)(4). The assist-
6 ance available for transfer shall not exceed the
7 amount contained in the wildfire suppression oper-
8 ations account established pursuant to subsection
9 (b).

10 “(2) TRANSFER OF FUNDS.—Funds under this
11 section shall be transferred from the wildfire sup-
12 pression operations account to the wildfire suppres-
13 sion subactivity of the Wildland Fire Management
14 Account.

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

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

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

4 “(2) transfer the amounts received as reim-
5 bursement to the wildfire suppression operations ac-
6 count established pursuant to subsection (b).

7 “(f) ANNUAL ACCOUNTING AND REPORTING RE-
8 QUIREMENTS.—Not later than 90 days after the end of
9 each fiscal year for which assistance is received pursuant
10 to this section, the respective Secretary shall submit to
11 the Committees on Agriculture, Appropriations, the Budg-
12 et, Natural Resources, and Transportation and Infrastruc-
13 ture of the House of Representatives and the Committees
14 on Agriculture, Nutrition, and Forestry, Appropriations,
15 the Budget, Energy and Natural Resources, Homeland
16 Security and Governmental Affairs, and Indian Affairs of
17 the Senate, and make available to the public, a report that
18 includes the following:

19 “(1) The risk-based factors that influenced
20 management decisions regarding wildfire suppression
21 operations of the Federal land management agencies
22 under the jurisdiction of the Secretary concerned.

23 “(2) Specific discussion of a statistically signifi-
24 cant sample of large fires, in which each fire is ana-
25 lyzed for cost drivers, effectiveness of risk manage-

1 ment techniques, resulting positive or negative im-
2 pacts of fire on the landscape, impact of investments
3 in preparedness, suggested corrective actions, and
4 such other factors as the respective Secretary con-
5 siders appropriate.

6 “(3) Total expenditures for wildfire suppression
7 operations of the Federal land management agencies
8 under the jurisdiction of the respective Secretary,
9 broken out by fire sizes, cost, regional location, and
10 such other factors as the such Secretary considers
11 appropriate.

12 “(4) Lessons learned.

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

15 “(g) SAVINGS PROVISION.—Nothing in this title shall
16 limit the Secretary of the Interior, the Secretary of Agri-
17 culture, Indian Tribe, or a State from receiving assistance
18 through a declaration made by the President under this
19 Act when the criteria for such declaration have been
20 met.”.

21 **SEC. 403. PROHIBITION ON TRANSFERS.**

22 No funds may be transferred to or from the Federal
23 land management agencies’ wildfire suppression oper-
24 ations accounts referred to in section 801(3) of the Robert
25 T. Stafford Disaster Relief and Emergency Assistance Act

1 to or from any account or subactivity of the Federal land
2 management agencies, as defined in section 801(2) of such
3 Act, that is not used to cover the cost of wildfire suppres-
4 sion operations.

