

118TH CONGRESS
1ST SESSION

H. R. 5888

To amend the Hermit’s Peak/Calf Canyon Fire Assistance Act to authorize assistance for damage resulting from the Cerro Pelado Fire, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 3, 2023

Ms. LEGER FERNANDEZ introduced the following bill

OCTOBER 25, 2023

Referred to the Committee on the Judiciary, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Hermit’s Peak/Calf Canyon Fire Assistance Act to authorize assistance for damage resulting from the Cerro Pelado Fire, 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 “Cerro Pelado Fire As-
5 sistance Act”.

1 **SEC. 2. AMENDMENTS.**

2 The Hermit’s Peak/Calf Canyon Fire Assistance Act
3 (Public Law 117–180; 136 Stat. 2168) is amended—

4 (1) in section 102—

5 (A) in subsection (a)—

6 (i) by redesignating paragraphs (8)
7 through (10) as paragraphs (10) through
8 (12), respectively;

9 (ii) by inserting after paragraph (7)
10 the following:

11 “(8) on April 22, 2023, the Cerro Pelado Look-
12 out reported a wildland fire in Sandoval County,
13 New Mexico, which became known as the Cerro
14 Pelado Fire;

15 “(9) the Cerro Pelado Fire caused evacuations
16 in Sandoval County, New Mexico before being con-
17 tained on June 15, 2022;”.

18 (iii) in paragraph (10), as so redesi-
19 gnated, by inserting “and the Cerro Pelado
20 Fire” before the semicolon at the end;

21 (iv) in paragraph (11), as so redesi-
22 gnated, by striking “fire” and inserting
23 “fires”; and

24 (v) in paragraph (12), as so redesi-
25 gnated, by inserting “and the Cerro Pelado
26 Fire” before the period at the end; and

1 (B) in subsection (b)(1), by striking “, for
2 injuries” and inserting “and the Cerro Pelado
3 Fire for injuries”;

4 (2) in section 103—

5 (A) in paragraph (1)(B), by striking
6 “104(a)(3)” and inserting “104(a)(4)”;

7 (B) by redesignating paragraphs (2)
8 through (8) as paragraphs (3) through (9), re-
9 spectively;

10 (C) by inserting after paragraph (1) the
11 following:

12 “(2) CERRO PELADO FIRE.—The term ‘Cerro
13 Pelado Fire’ means the pile burn holdover resulting
14 from the prescribed burn by the Forest Service,
15 which reemerged on April 22, 2022.”;

16 (D) in paragraph (5)(B), as so redesign-
17 ated, by inserting “or the Cerro Pelado Fire”
18 before the period at the end;

19 (E) in paragraph (7), as so redesignated,
20 by striking “104(a)(3)” and inserting
21 “104(a)(4)”;

22 (F) in paragraph (8), as so redesignated,
23 by striking “104(a)(2)” and inserting
24 “104(a)(2) or the Office of Cerro Pelado Fire

1 Claims established under section 104(a)(3)”;
2 and

3 (3) in section 104—

4 (A) in subsection (a)—

5 (i) in paragraph (1), by inserting “or
6 the Cerro Pelado Fire” before “, subject to
7 the availability”;

8 (ii) by redesignating paragraphs (3)
9 and (4) as paragraphs (4) and (5), respec-
10 tively;

11 (iii) by inserting after paragraph (2)
12 the following:

13 “(3) OFFICE OF CERRO PELADO FIRE
14 CLAIMS.—

15 “(A) IN GENERAL.—There is established
16 within the Federal Emergency Management
17 Agency an Office of Cerro Pelado Fire Claims.

18 “(B) PURPOSE.—The Office shall receive,
19 process, and pay claims in accordance with this
20 Act.

21 “(C) FUNDING.—The Office—

22 “(i) shall be funded from funds made
23 available to the Administrator for carrying
24 out this section; and

1 “(ii) may appoint and fix the com-
2 pensation of such temporary personnel as
3 may be necessary, without regard to the
4 provisions of title 5, United States Code,
5 governing appointments in competitive
6 service; and

7 “(iii) may reimburse other Federal
8 agencies for claims processing support and
9 assistance.”;

10 (iv) in paragraph (4)(A), as so reded-
11 ignated, by striking “the Office” and in-
12 serting “each Office”; and

13 (v) by adding at the end the following:

14 “(6) TEMPORARY PERSONNEL.—

15 “(A) IN GENERAL.—The Administrator
16 may appoint temporary personnel, after serving
17 continuously for 3 years to positions in the Fed-
18 eral Emergency Management Agency in the
19 same manner that competitive service employees
20 with competitive status are considered for
21 transfer, reassignment, or promotion to such
22 positions.

23 “(B) CAREER-CONDITIONAL EMPLOYEE.—

24 An individual appointed under subparagraph
25 (A) shall become a career-conditional employee,

1 unless the employee has already completed the
2 service requirements for career tenure.”;

3 (B) in subsection (b), by striking “Not
4 later than 2 years after the date on which regu-
5 lations are first promulgated under subsection
6 (f)” and inserting “Not later than December
7 31, 2027”; and

8 (C) in subsection (d)—

9 (i) in paragraph (1)(B)(ii), by insert-
10 ing “or the Cerro Pelado Fire” before the
11 semicolon at the end; and

12 (ii) in paragraph (4)—

13 (I) in subparagraph (A)—

14 (aa) in the matter preceding
15 clause (i), by inserting “or the
16 Cerro Pelado Fire” after “Calf
17 Canyon Fire”; and

18 (bb) in clause (iv), by insert-
19 ing “or the Cerro Pelado Fire”
20 before the semicolon at the end;

21 (II) in subparagraph (B), in the
22 matter preceding clause (i), by insert-
23 ing “or the Cerro Pelado Fire” before
24 “for the following types”; and

25 (III) in subparagraph (C)—

1 (aa) in the matter preceding
2 clause (i), by inserting “or the
3 Cerro Pelado Fire” before “for
4 the following types”;

5 (bb) in clause (vii)—

6 (AA) by inserting “or
7 the Cerro Pelado Fire” be-
8 fore “to risk levels”;

9 (BB) by inserting “or
10 the Cerro Pelado Fire” be-
11 fore “, that are incurred”;
12 and

13 (CC) by striking “the
14 date that is 3 years after the
15 date on which the regula-
16 tions under subsection (f)
17 are first promulgated” and
18 inserting “December 31,
19 2028,”; and

20 (cc) in clause (viii)—

21 (AA) by striking “May
22 31, 2024” and inserting
23 “December 31, 2028”;

24 (BB) by inserting “or
25 the Cerro Pelado Fire” be-

1 fore “, a person that was
2 not”; and

3 (CC) by inserting “or
4 the Cerro Pelado Fire” be-
5 fore “is required to pur-
6 chase”;

7 (D) in subsection (f), by adding at the end
8 the following:

9 “(3) REGULATIONS.—Upon the date of enact-
10 ment of the Cerro Pelado Fire Assistance Act, with-
11 out regard to chapter 5 of title 5, United States
12 Code, the Administrator shall immediately amend
13 the regulations promulgated and published under
14 paragraph (1) to include regulations for the proc-
15 essing and payment of claims relating to the Cerro
16 Pelado Fire.”;

17 (E) in subsection (h)—

18 (i) in paragraph (1), in the matter
19 preceding subparagraph (A), by inserting
20 “or the Cerro Pelado Fire” before “by”;
21 and

22 (ii) in paragraph (2), by inserting “or
23 the Cerro Pelado Fire” before “that are
24 suffered by the claimant”;

25 (F) in subsection (k)—

1 (i) in paragraph (1)(A)—

2 (I) by inserting “or the Cerro
3 Pelado Fire” before “under any Fed-
4 eral program”; and

5 (II) by inserting “or the Cerro
6 Pelado Fire” before “shall not be sub-
7 ject to”;

8 (ii) in paragraph (2), by inserting “or
9 the Cerro Pelado Fire” before “, the Fed-
10 eral share of assistance”; and

11 (iii) in paragraph (3)(A), by inserting
12 “or the Cerro Pelado Fire” before “shall
13 not be subject to”; and

14 (G) in subsection (m)(3)—

15 (i) by inserting “or the Cerro Pelado
16 Fire” before “that is the subject of the
17 claim”; and

18 (ii) by inserting “or the Cerro Pelado
19 Fire” before the period at the end.

20 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

21 (a) IN GENERAL.—There are authorized to be appro-
22 priated such sums as may be necessary for fiscal year
23 2024 to the Administrator of the Federal Emergency
24 Management Agency, to remain available until expended,
25 for compensation payments to victims of the Cerro Pelado

1 Fire under section 104 of the Hermit's Peak/Calf Canyon
2 Fire Assistance Act (Public Law 117–180; 136 Stat.
3 2170), as amended by section 2 of this Act.

4 (b) PROHIBITION.—Amounts appropriated for the
5 purpose of providing assistance to victims of the Hermit's
6 Peak/Calf Canyon Fire under section 103 of the Hermit's
7 Peak/Calf Canyon Fire Assistance Act (Public Law 117–
8 180; 136 Stat. 2169) may not be used for compensation
9 payments to victims of the Cerro Pelado Fire.

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