

115TH CONGRESS
2D SESSION

H. R. 6799

To authorize disaster recovery assistance for areas affected by wildfires on Federal Lands, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 2018

Mr. TIPTON introduced the following bill; which was referred to the Committee on Financial Services, and in addition to the Committees on Natural Resources, and Small Business, 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 authorize disaster recovery assistance for areas affected by wildfires on Federal Lands, 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 “Federal Lands Fire-
5 Related Incidents Recovery and Economic Stimulus Act
6 of 2018” or the “Federal Lands FIRES Act of 2018”.

1 **SEC. 2. FEDERAL LANDS WILDFIRE DISASTER DECLARA-**
2 **TION.**

3 (a) **ELIGIBLE WILDFIRES.**—The President may de-
4 clare a Federal lands wildfire disaster under this section
5 for any wildfire—

6 (1) for which a request for a declaration under
7 this section has been made pursuant to subsection
8 (b);

9 (2) that has burned an area 40 percent or more
10 of which consists of Federal lands; and

11 (3) that in the determination of the President
12 causes damage of sufficient severity and magnitude
13 to warrant assistance under this Act to supplement
14 the efforts and available resources of States, local
15 governments, Indian tribes, and disaster relief orga-
16 nizations in alleviating the damage, loss, hardship,
17 or suffering caused thereby.

18 In making such a declaration, the President shall specify
19 the area for which assistance under section 3 may be pro-
20 vided for secondary and tertiary damages described in sec-
21 tion 3(d)(1)(B), which may include only areas included in
22 the request for the declaration pursuant to subsection
23 (b)(3) of this section.

24 (b) **REQUEST FOR DECLARATION.**—

25 (1) **MAKING.**—A request for a declaration of a
26 Federal lands wildfire disaster may be made by—

1 (A) the Governor of a State affected by a
2 wildfire; or

3 (B) the Chief Executive of an Indian tribal
4 government affected by a wildfire.

5 (2) BASIS.—A request for a declaration of a
6 Federal lands wildfire disaster shall be based on a
7 finding that the wildfire is of such severity and mag-
8 nitude that effective response is beyond the capabili-
9 ties of the State and the affected local governments
10 and that Federal assistance is necessary. As part of
11 such request, and as a prerequisite to assistance
12 under this Act, the Governor or Chief Executive of
13 the Indian tribal government making the request
14 shall take appropriate response action under State
15 or tribal law and direct execution of the State's or
16 tribe's emergency plan. The Governor or Chief Exec-
17 utive shall furnish to the President and the Sec-
18 retary of Housing and Urban Development informa-
19 tion on the nature and amount of State, local, and
20 tribal resources which have been or will be com-
21 mitted to alleviating the results of the wildfire, and
22 shall certify that, for the current wildfire, State,
23 local, or tribal government obligations and expendi-
24 tures, as applicable (of which State or tribal commit-
25 ments shall be a significant proportion) will comply

1 with all applicable cost-sharing requirements of this
2 Act.

3 (3) AREA OF SECONDARY AND TERTIARY DAM-
4 AGE.—In making a request for a declaration under
5 this section of a Federal lands wildfire disaster, the
6 Governor or Chief Executive of an Indian tribal gov-
7 ernment shall include a designation of an area with-
8 in which assistance under section 3 may be provided
9 for secondary and tertiary damages described in sec-
10 tion 3(d)(1)(B), which may not include any area
11 more than 100 miles from the area directly subject
12 to the wildfire involved.

13 (c) SAVINGS PROVISION.—Nothing in this section
14 may be construed to prohibit an Indian tribal government
15 from receiving assistance under this Act through a dec-
16 laration made by the President at the request under sub-
17 section (a) of a State if the President does not make a
18 declaration for the tribal government for the same wild-
19 fire.

20 **SEC. 3. DISASTER RECOVERY ASSISTANCE FOR FEDERAL**
21 **LANDS WILDFIRE DISASTERS.**

22 (a) AUTHORITY.—The Secretary of Housing and
23 Urban Development (in this section referred to as the
24 “Secretary”) may provide assistance under this section to
25 States, units of general local government, and Indian

1 tribes for necessary expenses for activities authorized
2 under title I of the Housing and Community Development
3 Act of 1974 (42 U.S.C. 5301 et seq.) related to disaster
4 relief, long-term recovery, restoration of infrastructure
5 and housing, and economic revitalization in the most im-
6 pacted and distressed areas resulting from a Federal lands
7 wildfire disaster declared pursuant to section 2 of this Act.

8 (b) DIRECT AWARD OF ASSISTANCE.—Funds for as-
9 sistance under this section shall be awarded directly to the
10 State, unit of general local government, or Indian tribe
11 at the discretion of the Secretary.

12 (c) PLAN FOR USE.—Prior to the obligation of funds
13 a grantee shall submit a plan to the Secretary for approval
14 detailing the proposed use of all funds, including criteria
15 for eligibility and how the use of such funds will address
16 long-term recovery and restoration of infrastructure and
17 housing and economic revitalization in the most impacted
18 and distressed areas.

19 (d) ELIGIBLE USE.—

20 (1) QUALIFYING BUSINESS.—Businesses eligible
21 for assistance under this section shall include—

22 (A) businesses operating on federally
23 owned property, including camps, resorts, and
24 recreational businesses; and

1 (B) businesses impacted by the secondary
2 and tertiary damage in connection with the
3 wildfire for which the Federal lands wildfire
4 disaster was declared, including mudslides,
5 rockslides, falling trees, and other events caus-
6 ing damage that is not directly caused by fire.

7 (2) LIMITATION.—Notwithstanding any other
8 provision of this section, assistance under this sec-
9 tion in connection with a Federal lands wildfire dis-
10 aster may not be provided for any business that,
11 during the last calendar year ending before the dec-
12 laration of such disaster, had gross revenues exceed-
13 ing \$3,000,000.

14 (e) FINANCIAL CONTROLS.—As a condition of mak-
15 ing any grant under this section, the Secretary shall cer-
16 tify in advance that such grantee has in place proficient
17 financial controls and procurement processes and has es-
18 tablished adequate procedures to prevent any duplication
19 of benefits as defined by section 312 of the Robert T. Staf-
20 ford Disaster Relief and Emergency Assistance Act (42
21 U.S.C. 5155), to ensure timely expenditure of funds, to
22 maintain comprehensive websites regarding all disaster re-
23 covery activities assisted with such funds, and to detect
24 and prevent waste, fraud, and abuse of funds.

1 (f) PROHIBITION.—Funds provided under this sec-
2 tion may not be used for activities reimbursable by, or for
3 which funds are made available by, the Federal Emer-
4 gency Management Agency or the Army Corps of Engi-
5 neers.

6 (g) TREATMENT.—Funds made available under this
7 section shall not be considered relevant to the non-disaster
8 formula allocations made pursuant to section 106 of the
9 Housing and Community Development Act of 1974 (42
10 U.S.C. 5306).

11 (h) ADMINISTRATIVE COSTS.—A State, unit of gen-
12 eral local government, Indian tribe, or subdivision thereof
13 may use up to 5 percent of amounts received under this
14 section for administrative costs.

15 (i) WAIVERS.—

16 (1) AUTHORITY.—In administering funds made
17 available for assistance in accordance with this sec-
18 tion, the Secretary may waive, or specify alternative
19 requirements for, any provision of any statute or
20 regulation that the Secretary administers in connec-
21 tion with the obligation by the Secretary or the use
22 by the recipient of such funds (except for require-
23 ments related to fair housing, nondiscrimination,
24 labor standards, and the environment), if the Sec-
25 retary finds that good cause exists for the waiver or

1 alternative requirement and such waiver or alter-
2 native requirement would not be inconsistent with
3 the overall purpose of title I of the Housing and
4 Community Development Act of 1974.

5 (2) NOTICE.—The Secretary shall publish via
6 notice in the Federal Register any waiver, or alter-
7 native requirement, to any statute or regulation that
8 the Secretary administers pursuant to title I of the
9 Housing and Community Development Act of 1974
10 no later than 5 days before the effective date of such
11 waiver or alternative requirement.

12 (j) EXEMPTION FROM ENVIRONMENTAL REVIEW RE-
13 QUIREMENTS.—An action that is taken or assistance that
14 is provided pursuant to this section that has the effect
15 of restoring a facility substantially to its condition prior
16 to the Federal lands wildfire disaster that affected such
17 facility shall not be deemed a major Federal action signifi-
18 cantly affecting the quality of the human environment
19 within the meaning of the National Environmental Policy
20 Act of 1969 (42 U.S.C. 4321 et seq.).

21 (k) OVERSIGHT COSTS.—Of any amounts made avail-
22 able for assistance in accordance with this section, up to
23 0.1 percent may be transferred, in aggregate, to the De-
24 partment of Housing and Urban Development account for
25 Program Office Salaries and Expenses—Community Plan-

1 ning and Development for necessary costs, including infor-
2 mation technology costs, of administering and overseeing
3 the obligation and expenditure of amounts for assistance
4 under this section.

5 (l) REPORTS.—The Secretary shall require each
6 State, unit of general local government, and Indian tribe
7 for which assistance amounts under this section are pro-
8 vided to report annually during the 5-year period begin-
9 ning upon the provision of such funds regarding the use
10 of such funds and compliance with the plan for such use
11 under subsection (c).

12 (m) RECAPTURE OF UNUSED FUNDS.—If any
13 amounts made available for assistance under this section
14 to a grantee in connection with a Federal lands wildfire
15 disaster remain unexpended upon the expiration of the 5-
16 year period beginning upon the Secretary obligating such
17 amounts to the grantee, the Secretary shall recapture such
18 unexpended amounts and transfer such amounts to the
19 Secretary of the Treasury for deposit into the General
20 Fund of the Treasury.

21 (n) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated such sums as may be nec-
23 essary to provide assistance under this section in connec-
24 tion with each Federal lands wildfire disaster declared
25 under section 2.

1 **SEC. 4. ELIGIBILITY FOR SBA ECONOMIC INJURY DISASTER**
2 **LOANS.**

3 Section 7(b)(2) of the Small Business Act (15 U.S.C.
4 636(b)(2)) is amended—

5 (1) in subparagraph (C), by striking “or” at
6 the end;

7 (2) by redesignating subparagraph (D) as sub-
8 paragraph (E);

9 (3) by inserting after subparagraph (C) the fol-
10 lowing:

11 “(D) a Federal lands wildfire disaster, as
12 declared by the President under section 2 of the
13 Federal Lands FIRES Act of 2018; or”; and

14 (4) in subparagraph (E), as so redesignated, by
15 striking “subparagraph (A), (B), or (C)” and insert-
16 ing “subparagraph (A), (B), (C), or (D)”.

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