

115TH CONGRESS
2D SESSION

S. 2299

To amend the Food Security Act of 1985 to provide wildfire regulatory relief, to modify the evaluation of a major disaster declaration request, to provide regulatory relief for banks during major disasters, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 11, 2018

Mr. INHOFE (for himself and Mr. UDALL) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To amend the Food Security Act of 1985 to provide wildfire regulatory relief, to modify the evaluation of a major disaster declaration request, to provide regulatory relief for banks during major disasters, 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 “Wildfire Regulatory
5 Relief Act of 2018”.

1 **SEC. 2. USE OF LAND IN A STATE OF EMERGENCY.**

2 Section 1233(b) of the Food Security Act of 1985
 3 (16 U.S.C. 3833(b)) is amended by striking paragraph (1)
 4 and inserting the following:

5 “(1) harvesting, grazing, or other commercial
 6 use of the forage, without any reduction in the rent-
 7 al rate, in response to—

8 “(A) drought;

9 “(B) flooding;

10 “(C) a state of emergency that—

11 “(i) is declared by the Governor of the
 12 State in which the land that is subject to
 13 a contract under the conservation reserve
 14 program is located; and

15 “(ii) covers any part of the State or
 16 the entire State; or

17 “(D) other emergency;”.

18 **SEC. 3. EVALUATING A MAJOR DISASTER DECLARATION**
 19 **REQUEST.**

20 Section 401 of the Robert T. Stafford Disaster Relief
 21 and Emergency Assistance Act (42 U.S.C. 5170) is
 22 amended by adding at the end the following:

23 “(d) CONSIDERATION OF REQUESTS.—

24 “(1) IN GENERAL.—In evaluating a request for
 25 a declaration under this section, the President shall

1 take into consideration any impacts of the disaster
2 that—

3 “(A) will impede the recovery efforts of af-
4 fected individuals or community; and

5 “(B) may not be addressed under disaster
6 programs administered by the Federal Emer-
7 gency Management Agency, but that are ad-
8 dressed by other disaster programs, such as the
9 disaster loan program authorized under section
10 7(b) of the Small Business Act (15 U.S.C.
11 636(b)) and programs authorized under section
12 1501 of the Agricultural Act of 2014 (7 U.S.C.
13 9081).

14 “(2) AGRICULTURAL FENCE LINES.—

15 “(A) DEFINITION.—In this paragraph, the
16 term ‘agricultural fence line’ means a physical
17 barrier placed for the purpose of defining the
18 edge or boundary of an area used for agricul-
19 tural purpose.

20 “(B) CONSIDERATION.—In considering the
21 impacts of a disaster required to be considered
22 under paragraph (1), the President shall con-
23 sider the costs of replacing an agricultural fence
24 line.”.

1 **SEC. 4. EMERGENCY MANAGEMENT GRANTS.**

2 Section 662(b) of the Post-Katrina Emergency Man-
 3 agement Reform Act of 2006 (6 U.S.C. 762(b)) is amend-
 4 ed by inserting “, including supporting joint interagency
 5 cooperation between State agencies responsible for re-
 6 sponding to wildfires,” after “hazards”.

7 **SEC. 5. REGULATORY RELIEF FOR BANKS DURING MAJOR**
 8 **DISASTERS.**

9 (a) DEFINITIONS.—In this section—

10 (1) the terms “appropriate Federal banking
 11 agency” and “depository institution” have the mean-
 12 ings given those terms in section 3 of the Federal
 13 Deposit Insurance Act (12 U.S.C. 1813); and

14 (2) the term “major disaster” has the meaning
 15 given the term in section 102 of the Robert T. Staf-
 16 ford Disaster Relief and Emergency Assistance Act
 17 (42 U.S.C. 5122).

18 (b) REQUIREMENT.—Not later than 15 days after the
 19 date on which the President declares a major disaster
 20 under section 401 of the Robert T. Stafford Disaster Re-
 21 lief and Emergency Assistance Act (42 U.S.C. 5170), or
 22 not later than 15 days after a state of emergency is de-
 23 clared by a Governor of a State for all or part of that
 24 State, the appropriate Federal banking agencies and the
 25 Bureau of Consumer Financial Protection shall issue guid-
 26 ance to depository institutions located in the area for

1 which the President declared the major disaster or the
2 Governor declared a state of emergency, as applicable, for
3 reducing regulatory burdens for borrowers and commu-
4 nities in order to facilitate recovery from the major dis-
5 aster.

6 (c) CONTENTS.—Guidance issued under subsection
7 (b) shall include instructions from the appropriate Federal
8 banking agency or the Bureau of Consumer Financial Pro-
9 tection, as applicable, regarding—

10 (1) extending repayment terms, adjusting exist-
11 ing loans, and easing terms for new loans, in accord-
12 ance with prudent banking practices that involve ap-
13 propriate monitoring;

14 (2) providing relief from reporting and pub-
15 lishing requirements, including by accepting delayed
16 filing and publishing of reports by depository institu-
17 tions in areas affected by the major disaster or cov-
18 ered by the state of emergency, as applicable;

19 (3) taking appropriate actions to stabilize in-
20 vestments in local government projects affected by
21 the major disaster or covered by the state of emer-
22 gency, as applicable;

23 (4) promoting awareness of the eligibility of de-
24 pository institutions for loans or investments made
25 in areas affected by the major disaster or covered by

1 the state of emergency, as applicable, under the
2 Community Reinvestment Act of 1977 (12 U.S.C.
3 2901 et seq.); and

4 (5) such other issues as determined appropriate
5 by the appropriate Federal banking agency or the
6 Bureau of Consumer Financial Protection, as appli-
7 cable.

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