

118TH CONGRESS  
1ST SESSION

# S. 3032

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.

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## IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 2023

Mr. LUJÁN (for himself and Mr. HEINRICH) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## 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”.

6 **SEC. 2. AMENDMENTS.**

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

9 (1) in section 102—

1 (A) in subsection (a)—

2 (i) by redesignating paragraphs (8)  
3 through (10) as paragraphs (10) through  
4 (12), respectively;

5 (ii) by inserting after paragraph (7)  
6 the following:

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

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

14 (iii) in paragraph (10), as so redesign-  
15 ated, by inserting “and the Cerro Pelado  
16 Fire” before the semicolon at the end;

17 (iv) in paragraph (11), as so redesign-  
18 ated, by striking “fire” and inserting  
19 “fires”; and

20 (v) in paragraph (12), as so redesign-  
21 ated, by inserting “and the Cerro Pelado  
22 Fire” before the period at the end; and

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

1 (2) in section 103—

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

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

7 (C) by inserting after paragraph (1) the  
8 following:

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

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

16 (E) in paragraph (7), as so redesignated,  
17 by striking “104(a)(3)” and inserting  
18 “104(a)(4)”;

19 (F) in paragraph (8), as so redesignated,  
20 by striking “104(a)(2)” and inserting  
21 “104(a)(2) or the Office of Cerro Pelado Fire  
22 Claims established under section 104(a)(3)”;  
23 and

24 (3) in section 104—

25 (A) in subsection (a)—

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

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

7 (iii) by inserting after paragraph (2)  
8 the following:

9 “(3) OFFICE OF CERRO PELADO FIRE  
10 CLAIMS.—

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

14 “(B) PURPOSE.—The Office shall receive,  
15 process, and pay claims in accordance with this  
16 Act.

17 “(C) FUNDING.—The Office—

18 “(i) shall be funded from funds made  
19 available to the Administrator for carrying  
20 out this section; and

21 “(ii) may appoint and fix the com-  
22 pensation of such temporary personnel as  
23 may be necessary, without regard to the  
24 provisions of title 5, United States Code,

1 governing appointments in competitive  
2 service; and

3 “(iii) may reimburse other Federal  
4 agencies for claims processing support and  
5 assistance.”;

6 (iv) in paragraph (4)(A), as so reded-  
7 icated, by striking “the Office” and in-  
8 sserting “each Office”; and

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

10 “(6) TEMPORARY PERSONNEL.—

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

19 “(B) CAREER-CONDITIONAL EMPLOYEE.—  
20 An individual appointed under subparagraph  
21 (A) shall become a career-conditional employee,  
22 unless the employee has already completed the  
23 service requirements for career tenure.”;

24 (B) in subsection (b), by striking “Not  
25 later than 2 years after the date on which regu-

1           lations are first promulgated under subsection  
2           (f)” and inserting “Not later than December  
3           31, 2027”; and

4           (C) in subsection (d)—

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

8                 (ii) in paragraph (4)—

9                     (I) in subparagraph (A)—

10                         (aa) in the matter preceding  
11                         clause (i), by inserting “or the  
12                         Cerro Pelado Fire” after “Calf  
13                         Canyon Fire”; and

14                         (bb) in clause (iv), by insert-  
15                         ing “or the Cerro Pelado Fire”  
16                         before the semicolon at the end;

17                     (II) in subparagraph (B), in the  
18                     matter preceding clause (i), by insert-  
19                     ing “or the Cerro Pelado Fire” before  
20                     “for the following types”; and

21                     (III) in subparagraph (C)—

22                         (aa) in the matter preceding  
23                         clause (i), by inserting “or the  
24                         Cerro Pelado Fire” before “for  
25                         the following types”;

1 (bb) in clause (vii)—

2 (AA) by inserting “or  
3 the Cerro Pelado Fire” be-  
4 fore “to risk levels”;

5 (BB) by inserting “or  
6 the Cerro Pelado Fire” be-  
7 fore “, that are incurred”;  
8 and

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

16 (cc) in clause (viii)—

17 (AA) by striking “May  
18 31, 2024” and inserting  
19 “December 31, 2028”;

20 (BB) by inserting “or  
21 the Cerro Pelado Fire” be-  
22 fore “, a person that was  
23 not”; and

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

1 fore “is required to pur-  
2 chase”;

3 (D) in subsection (f), by adding at the end  
4 the following:

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

13 (E) in subsection (h)—

14 (i) in paragraph (1), in the matter  
15 preceding subparagraph (A), by inserting  
16 “or the Cerro Pelado Fire” before “by”;  
17 and

18 (ii) in paragraph (2), by inserting “or  
19 the Cerro Pelado Fire” before “that are  
20 suffered by the claimant”;

21 (F) in subsection (k)—

22 (i) in paragraph (1)(A)—

23 (I) by inserting “or the Cerro  
24 Pelado Fire” before “under any Fed-  
25 eral program”; and



1 (II) by inserting “or the Cerro  
2 Pelado Fire” before “shall not be sub-  
3 ject to”;

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

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

10 (G) in subsection (m)(3)—

11 (i) by inserting “or the Cerro Pelado  
12 Fire” before “that is the subject of the  
13 claim”; and

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

16 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

17 (a) IN GENERAL.—There are authorized to be appro-  
18 priated such sums as may be necessary for fiscal year  
19 2024 to the Administrator of the Federal Emergency  
20 Management Agency, to remain available until expended,  
21 for compensation payments to victims of the Cerro Pelado  
22 Fire under section 104 of the Hermit’s Peak/Calf Canyon  
23 Fire Assistance Act (Public Law 117–180; 136 Stat.  
24 2170), as amended by section 2 of this Act.

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

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