

116TH CONGRESS
1ST SESSION

S. 2882

To establish a community wildfire defense grant program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2019

Mr. SCHUMER (for Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish a community wildfire defense grant program,
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 Defense Act”.

5 **SEC. 2. DEFINITIONS.**

6 In this Act:

7 (1) ADMINISTRATOR.—The term “Adminis-
8 trator” means the Administrator of the Federal
9 Emergency Management Agency.

1 (2) CHIEF.—The term “Chief” means the Chief
2 of the Forest Service.

3 (3) COMMUNITY WILDFIRE DEFENSE PLAN.—
4 The term “community wildfire defense plan” means
5 a plan that—

6 (A) is developed by an eligible entity in co-
7 ordination with—

8 (i) the local community and govern-
9 ment;

10 (ii) local law enforcement, firefighters,
11 first responders, fire managers, and utili-
12 ties; and

13 (iii) State agencies responsible for
14 emergency response and forest manage-
15 ment;

16 (B) includes strategies and activities relat-
17 ing to—

18 (i) improving evacuations and access
19 for first responders;

20 (ii) addressing vulnerable populations,
21 including the elderly, those with disabil-
22 ities, and the homeless;

23 (iii) hardening and increasing the re-
24 siliency of critical infrastructure and

1 homes, including through incentive pro-
 2 grams;

3 (iv) applying community-scale defen-
 4 sible space projects across contiguous
 5 areas;

6 (v) building local capacity to imple-
 7 ment and oversee the plan;

8 (vi) implementing strategic land use
 9 planning;

10 (vii) deploying distributed energy re-
 11 sources that do not increase dependence on
 12 fossil fuels;

13 (viii) educating community members;

14 (ix) coordinating any existing wildfire
 15 plans such as a community wildfire protec-
 16 tion plan or a community emergency evac-
 17 uation plan; and

18 (x) incorporating information from a
 19 map generated pursuant to section 210(a)
 20 of division O of the Consolidated Appro-
 21 priations Act, 2018 (16 U.S.C. 6501 note;
 22 Public Law 115–141); and

23 (C) may consist of existing plans or other
 24 efforts, provided that the plan complies with
 25 subparagraphs (A) and (B).

1 (4) CRITICAL INFRASTRUCTURE.—The term
 2 “critical infrastructure” means any public safety,
 3 health, education, transportation, communications,
 4 or water or power utility infrastructure or any pri-
 5 vate infrastructure necessary to preserve community
 6 safety or resilience to a wildfire threat.

7 (5) DEFENSIBLE SPACE PROJECT.—The term
 8 “defensible space project”—

9 (A) means a project that is conducted
 10 within a radius of not more than 100 feet
 11 around homes, businesses, and administrative
 12 facilities, and is comprised of vegetation prun-
 13 ing, such as annual removal of tree seedlings
 14 and saplings, lower limbs of mature trees, cut-
 15 ting of grasses and reducing density and con-
 16 tinuity of shrubs, and removal of most small
 17 twigs and leaves; or

18 (B) at the discretion of the Administrator,
 19 if a project funded under the program is being
 20 carried out in a State that has established by
 21 law a more restrictive definition of the term,
 22 has the meaning given the term in State law.

23 (6) DISTRIBUTED ENERGY RESOURCE.—The
 24 term “distributed energy resource” means a tech-
 25 nology that, collectively or individually, increases

1 local energy resilience, such as microgrids, batteries,
2 thermal storage, combined heat and power, fuel
3 cells, electric vehicles, demand response, energy effi-
4 ciency, smart inverters, and geothermal heat pumps.

5 (7) ELIGIBLE ENTITY.—The term “eligible enti-
6 ty” means—

7 (A) a State or unit of general local or re-
8 gional government;

9 (B) an Indian Tribe; or

10 (C) a joint powers authority formed by not
11 less than 2 entities described in subparagraph
12 (A) or (B).

13 (8) LOW-INCOME COMMUNITY.—The term “low-
14 income community” means a census tract, as deter-
15 mined by the Administrator based on objective cri-
16 teria, where a substantial population or percentage
17 of population of low-income individuals reside, an in-
18 adequate access to capital exists, or other indication
19 of economic distress exist.

20 (9) PROGRAM.—The term “program” means
21 the grant program established under section 3(a).

22 (10) SEVERE DISASTER IMPACTED COMMU-
23 NITY.—The term “severe disaster impacted commu-
24 nity” means a unit of local government or an Indian
25 Tribe located in an area for which the President de-

1 clared a major disaster under section 401 of the
 2 Robert T. Stafford Disaster Relief and Emergency
 3 Assistance Act (42 U.S.C. 5170) during the pre-
 4 ceding 5-year period.

5 **SEC. 3. COMMUNITY WILDFIRE DEFENSE GRANT PROGRAM.**

6 (a) ESTABLISHMENT.—Not later than 90 days after
 7 the date of enactment of this Act, the Administrator shall
 8 establish a program, which shall be separate from the pro-
 9 gram established under section 203 of the Robert T. Staf-
 10 ford Disaster Relief and Emergency Assistance Act (42
 11 U.S.C. 5133), under which the Administrator, in coordina-
 12 tion with the Chief, shall award grants to eligible entities
 13 to—

14 (1) in the case of an eligible entity that has a
 15 community wildfire defense plan, carry out projects
 16 described in the community wildfire defense plan of
 17 the eligible entity in accordance with subsection (c);
 18 or

19 (2) in the case of an eligible entity that does
 20 not have a community wildfire defense plan, develop
 21 a community wildfire defense plan in accordance
 22 with subsection (d).

23 (b) CRITERIA FOR GRANTS.—

24 (1) IN GENERAL.—Not later than 180 days
 25 after the date of enactment of this Act, the Adminis-

1 trator, in coordination with the Chief, shall establish
2 criteria to award grants under the program.

3 (2) COMMUNITIES.—Amounts provided under
4 the program shall be used to conduct projects and
5 activities only in communities in existence on the
6 date of enactment of this Act.

7 (3) PRIORITY.—In awarding grants under the
8 program, the Administrator shall give priority to eli-
9 gible entities that will carry out projects or plans
10 supporting—

11 (A) a low-income community in a fire-haz-
12 ard area, as identified by a State wildfire haz-
13 ard map or the most recent wildfire hazard po-
14 tential map from the Secretary of Agriculture;
15 or

16 (B) a severe disaster impacted community
17 in a fire-hazard area, as identified by a State
18 wildfire hazard map or the most recent wildfire
19 hazard potential map from the Secretary of Ag-
20 riculture

21 (c) COMMUNITY WILDFIRE DEFENSE GRANTS.—

22 (1) USE OF GRANT FUNDS.—An eligible entity
23 that receives a grant under the program may use
24 grant funds to carry out projects that support a di-
25 verse portfolio of community wildfire defense strate-

1 gies described in the community wildfire defense
2 plan of the eligible entity.

3 (2) GRANT AMOUNTS.—An award under this
4 subsection shall be for not more than \$10,000,000.

5 (d) COMMUNITY WILDFIRE DEFENSE PLAN DEVEL-
6 OPMENT GRANTS.—

7 (1) USE OF GRANT FUNDS.—An eligible entity
8 that receives a grant under the program may use
9 grant funds to develop a community wildfire defense
10 plan for the eligible entity.

11 (2) GRANT AMOUNTS.—An award under this
12 subsection shall be for not more than \$250,000.

13 (e) PREFERENCE FOR LOCAL CONTRACTORS AND
14 LABOR.—In carrying out a project using a grant awarded
15 under the program, the grant recipient shall, to the max-
16 imum extent practicable, give preference to contracting
17 with entities, and hiring individuals, from the area in
18 which the project is being carried out, including by
19 partnering with local corps groups such as AmeriCorps or
20 a conservation corps.

21 (f) COST-SHARING REQUIREMENT.—The non-Fed-
22 eral share of the cost (including the administrative cost)
23 of carrying out a project using funds from a grant award-
24 ed under the program—

1 (1)(A) shall be not less than 25 percent for a
2 grant described in subsection (c); and

3 (B) shall be 0 percent for a grant described in
4 subsection (d);

5 (2) may be provided by—

6 (A) a State, a unit of local government, an
7 Indian Tribe, a nonprofit organization, private
8 industry, or a combination of those entities; or

9 (B) volunteer hours and in-kind donations;
10 and

11 (3) may, in the case of a project that serves a
12 low-income community, be in the form of a low-in-
13 terest Federal loan to the eligible entity carrying out
14 the project through the Community Disaster Loan
15 program authorized under section 417 of the Robert
16 T. Stafford Disaster Relief and Emergency Assist-
17 ance Act (42 U.S.C. 5184).

18 (g) AUTHORIZATION OF APPROPRIATIONS.—There
19 are authorized to be appropriated to carry out the pro-
20 gram \$1,000,000,000 for each of fiscal years 2021
21 through 2025.

22 **SEC. 4. GOVERNMENT ACCOUNTABILITY OFFICE REPORT.**

23 Not later than 1 year after the date of enactment
24 of this Act, the Government Accountability Office shall
25 publish a report—

1 (1) on authorities and programs across the
2 Federal Government that are available to protect
3 communities from wildfires; and

4 (2) that assesses impediments to implementa-
5 tion of those programs and gaps in funding.

6 **SEC. 5. GOVERNMENT ACCOUNTABILITY OFFICE STUDY.**

7 Not later than 1 year after the date of enactment
8 of this Act, the Government Accountability Office shall
9 publish a study—

10 (1) on the potential for a Community Wildfire
11 Defense Plan to qualify for a certification identifying
12 a level of wildfire survivability and resilience;

13 (2) that assesses what metrics might provide in-
14 surance companies assurance that a community has
15 wildfire resilience measures; and

16 (3) how to incentivize insurance companies to
17 accept the certification.

18 **SEC. 6. UPDATING LIST OF AT-RISK COMMUNITIES.**

19 (a) IN GENERAL.—Section 101(1)(A) of the Healthy
20 Forests Restoration Act of 2003 (16 U.S.C. 6511(1)(A))
21 is amended by striking “comprised of” in the matter pre-
22 ceding clause (i) and all that follows through “a group”
23 in clause (ii) and inserting “composed of a group”.

24 (b) MAPS.—Not later than 180 days after the date
25 of enactment of this Act, and every 5 years thereafter,

1 the Chief shall develop and publish a map depicting at-
 2 risk communities (as defined in section 101 of the Healthy
 3 Forests Restoration Act of 2003 (16 U.S.C. 6511)), in-
 4 cluding Tribal at-risk communities.

5 **SEC. 7. REPORT ON RADIO COMMUNICATIONS.**

6 (a) IN GENERAL.—Not later than 2 years after the
 7 date of enactment of this Act, the Administrator shall pre-
 8 pare a report relating to insufficient radio frequencies,
 9 barriers to interoperability of radio frequencies, and avail-
 10 able products and technologies for overcoming barriers to
 11 interoperability for wildland fire management.

12 (b) COOPERATION.—In preparing the report under
 13 subsection (a), the Administrator shall cooperate with—

- 14 (1) the Secretary of Agriculture;
- 15 (2) agencies responsible for the management of
- 16 Federal land;
- 17 (3) State fire and emergency response agencies;
- 18 and
- 19 (4) municipal fire departments and volunteer
- 20 fire departments in relevant communities.

21 (c) COMPATIBILITY; ADDITIONAL FREQUENCIES.—

22 The report under subsection (a) shall include—

- 23 (1) a determination on whether the organiza-
- 24 tions identified in the report have an existing ability

1 to communicate by way of radio during a potential
2 fire suppression effort for a large fire;

3 (2) a determination on whether—

4 (A) the reserved radio frequencies are suf-
5 ficient for wildland fire management; or

6 (B) additional frequencies, listed by type
7 and location, are recommended to be reserved
8 or obtained;

9 (3) an analysis of commercially available tech-
10 nology and products to enable radios from multiple
11 agencies operating on different radio frequencies to
12 be interoperable; and

13 (4) if the Secretary determines under para-
14 graph (1) that the organizations do not have an ex-
15 isting ability to communicate, a plan for ensuring
16 organizations would be able to communicate ade-
17 quately during a fire suppression effort for a large
18 fire.

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