

119TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. PADILLA introduced the following bill; which was read twice and referred
to the Committee on _____

A BILL

To establish a community protection and wildfire resilience
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 “Community Protection
5 and Wildfire Resilience Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

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

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

3 (3) COMMUNITY PROTECTION AND WILDFIRE
4 RESILIENCE PLAN.—The term “community protec-
5 tion and wildfire resilience plan” means a plan
6 that—

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

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

11 (ii) local Indian Tribes;

12 (iii) local law enforcement, fire-
13 fighters, first responders, fire managers,
14 and utilities;

15 (iv) non-governmental organizations
16 carrying out relevant projects or relevant
17 operations locally; and

18 (v) State agencies responsible for—

19 (I) fire prevention and emergency
20 response;

21 (II) other emergency response;

22 (III) public safety;

23 (IV) environmental protection;

24 and

25 (V) forest management;

1 (B) includes strategies and activities relat-
2 ing to—

3 (i) improving early detection tech-
4 nology, public outreach and education,
5 alerts and warnings, evacuation planning,
6 evacuation execution, and access for first
7 responders;

8 (ii) addressing vulnerable populations,
9 including the elderly, children, individuals
10 with disabilities, and homeless individuals;

11 (iii) hardening and increasing the re-
12 siliency of critical infrastructure and
13 homes, including through incentive pro-
14 grams;

15 (iv) applying community-scale defen-
16 sible space projects, developed collabo-
17 ratively with the entities described in
18 clauses (i) through (iii) of subparagraph
19 (A), across contiguous areas;

20 (v) building local capacity to imple-
21 ment and oversee the plan;

22 (vi) implementing strategic land use
23 planning;

1 (vii) educating community members
2 about ways to improve community resil-
3 ience;

4 (viii) coordinating any existing wild-
5 fire plans, such as a community wildfire
6 protection plan or a community emergency
7 evacuation plan; and

8 (ix) incorporating information from a
9 map generated pursuant to section 210(a)
10 of division O of the Consolidated Appro-
11 priations Act, 2018 (16 U.S.C. 6501 note;
12 Public Law 115–141); and

13 (C) may consist of existing plans or other
14 efforts, provided that any such plan complies
15 with subparagraphs (A) and (B).

16 (4) CRITICAL INFRASTRUCTURE.—The term
17 “critical infrastructure” means any public safety,
18 health, education, transportation, communications,
19 or water or power utility infrastructure or any pri-
20 vate infrastructure necessary to preserve community
21 safety, resilience, or continuity of operation of such
22 infrastructure with respect to a wildfire threat.

23 (5) DEFENSIBLE SPACE PROJECT.—The term
24 “defensible space project”—

1 (A) means a project that is conducted
2 within a radius of not more than 100 feet
3 around a home, business, or administrative fa-
4 cility, and is comprised of vegetation pruning,
5 such as annual removal of tree seedlings and
6 saplings, lower limbs of mature trees, cutting of
7 grasses and reducing density and continuity of
8 shrubs, and removal of most small twigs and
9 leaves; or

10 (B) at the discretion of the Administrator,
11 if a project funded under the program is being
12 carried out in a State that has established, by
13 law, a more restrictive definition of the term,
14 has the meaning given the term in State law.

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

17 (A) a State;

18 (B) an Indian Tribe;

19 (C) a unit of general local or regional gov-
20 ernment, including a fire protection district or
21 a municipal fire department;

22 (D) a volunteer fire department; or

23 (E) a collaborative effort of not less than
24 2 entities described in subparagraphs (A)
25 through (D).

1 (7) PROGRAM.—The term “program” means
2 the grant program established under section 3(a).

3 (8) STATE.—The term “State” means a State
4 of the United States, the District of Columbia,
5 Guam, Puerto Rico, the Virgin Islands, American
6 Samoa, the Northern Mariana Islands, and any
7 other territory or possession of the United States.

8 **SEC. 3. COMMUNITY PROTECTION AND WILDFIRE RESIL-**
9 **IENCE GRANT PROGRAM.**

10 (a) ESTABLISHMENT.—Not later than 1 year after
11 the date of enactment of this Act, the Administrator, act-
12 ing through the United States Fire Administrator and in
13 coordination with the Chief, shall establish a program,
14 which shall be separate from the program established
15 under section 203 of the Robert T. Stafford Disaster Re-
16 lief and Emergency Assistance Act (42 U.S.C. 5133),
17 under which the Administrator shall award grants to eligi-
18 ble entities to—

19 (1) in the case of an eligible entity that has a
20 community protection and wildfire resilience plan,
21 carry out projects described in the community pro-
22 tection and wildfire resilience plan of the eligible en-
23 tity in accordance with subsection (c); or

24 (2) in the case of an eligible entity that does
25 not have a community protection and wildfire resil-

1 ience plan, develop a community protection and wild-
2 fire resilience plan in accordance with subsection (d).

3 (b) CRITERIA FOR GRANTS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the Administrator,
6 acting through the United States Fire Administrator
7 and in coordination with the Chief, shall establish
8 criteria to award grants under the program.

9 (2) COMMUNITIES.—Amounts provided under
10 the program shall be used to conduct projects and
11 activities only in communities in existence on the
12 date of enactment of this Act.

13 (3) PRIORITY.—In awarding grants under the
14 program, the Administrator shall give priority to eli-
15 gible entities that will carry out projects or plans
16 supporting a community located in an area with a
17 high risk for fire or wildfire, as evidenced by a State
18 wildfire hazard map or a map generated pursuant to
19 section 210(a) of division O of the Consolidated Ap-
20 propriations Act, 2018 (16 U.S.C. 6501 note; Public
21 Law 115–141).

22 (c) COMMUNITY PROTECTION AND WILDFIRE RESIL-
23 IENCE GRANTS.—

24 (1) USE OF GRANT FUNDS.—An eligible entity
25 that receives a grant under the program to carry out

1 projects shall use grant funds to carry out projects
2 that support a diverse portfolio of community pro-
3 tection and wildfire resilience strategies described in
4 the community protection and wildfire resilience plan
5 of the eligible entity.

6 (2) GRANT AMOUNTS.—A grant under this sub-
7 section shall be for not more than \$10,000,000.

8 (d) COMMUNITY PROTECTION AND WILDFIRE RESIL-
9 IENCE PLAN DEVELOPMENT GRANTS.—

10 (1) USE OF GRANT FUNDS.—An eligible entity
11 that receives a grant under the program to develop
12 a plan shall use grant funds to develop a community
13 protection and wildfire resilience plan for the eligible
14 entity.

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

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

25 (f) COST-SHARING.—

1 (1) NON-FEDERAL SHARE REQUIREMENT.—The
2 non-Federal share of the cost (including the admin-
3 istrative cost) of carrying out a project using funds
4 from a grant awarded under the program—

5 (A)(i) shall be not less than 25 percent of
6 the cost of the project to be carried out using
7 grant funds in accordance with subsection (c);
8 and

9 (ii) shall be 0 percent of the cost of the
10 project to be carried out using grant funds in
11 accordance with subsection (d);

12 (B) may be provided by—

13 (i) a State, a unit of local government,
14 an Indian Tribe, a nonprofit organization,
15 private industry, or a combination of those
16 entities; or

17 (ii) volunteer hours and in-kind dona-
18 tions; and

19 (C) may, in the case of a project that
20 serves a low-income community, be in the form
21 of a low-interest Federal loan to the eligible en-
22 tity carrying out the project through the Com-
23 munity Disaster Loan program authorized
24 under section 417 of the Robert T. Stafford

1 Disaster Relief and Emergency Assistance Act
2 (42 U.S.C. 5184).

3 (2) WAIVER; REDUCTION.—In carrying out the
4 program, the Administrator may waive or reduce the
5 non-Federal share amount required under paragraph
6 (1).

7 (g) AUTHORIZATION OF APPROPRIATIONS.—There
8 are authorized to be appropriated to carry out the pro-
9 gram \$1,000,000,000 for each of fiscal years 2025
10 through 2029.

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

12 Not later than 1 year after the date of enactment
13 of this Act, the Comptroller General of the United States
14 shall publish a report—

15 (1) on authorities and programs of the Federal
16 Government that are available to protect commu-
17 nities from wildfires; and

18 (2) that includes an assessment of the Comp-
19 troller General with respect to impediments to the
20 implementation of such programs, including gaps in
21 funding.

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

23 Not later than 1 year after the date of enactment
24 of this Act, the Comptroller General of the United States
25 shall publish a study that includes—

1 (1) an assessment of the Comptroller General
2 with respect to—

3 (A) the potential for a community protec-
4 tion and wildfire resilience plan to qualify for a
5 certification identifying a level of wildfire sur-
6 vivability and resilience; and

7 (B) methods that could be used by the
8 Federal Government to incentivize insurance
9 companies to accept a certification described in
10 subparagraph (A); and

11 (2) an identification of any metrics that could
12 be provided to insurance companies as assurance
13 that a community has wildfire resilience measures in
14 place.

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

16 (a) IN GENERAL.—Subparagraph (A) of section
17 101(1) of the Healthy Forests Restoration Act of 2003
18 (16 U.S.C. 6511(1)(A)) is amended to read as follows:

19 “(A) that is comprised of a group of homes
20 and other structures with basic infrastructure
21 and services (such as utilities and collectively
22 maintained transportation routes) within or ad-
23 jacent to Federal land;”.

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

1 Administrator, acting through the United States Fire Ad-
2 ministrator and in coordination with the Chief, shall de-
3 velop and publish a map depicting at-risk communities (as
4 defined in section 101 of the Healthy Forests Restoration
5 Act of 2003 (16 U.S.C. 6511), as amended by this sec-
6 tion), including Tribal at-risk communities.

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

8 (a) IN GENERAL.—Not later than 2 years after the
9 date of enactment of this Act, the Administrator, acting
10 through the United States Fire Administrator and in co-
11 ordination with the Chief, shall prepare a report relating
12 to insufficient radio frequencies, barriers to interoper-
13 ability of radio frequencies, and available products and
14 technologies for overcoming barriers to interoperability for
15 wildfire management.

16 (b) COOPERATION.—In preparing the report under
17 subsection (a), the Administrator shall coordinate with—

18 (1) the Secretary of Agriculture;

19 (2) agencies responsible for the management of
20 Federal land;

21 (3) State fire marshals;

22 (4) State and local emergency response agen-
23 cies;

24 (5) Tribal fire departments and emergency
25 managers; and

1 (6) municipal fire departments, fire protection
2 districts, and volunteer fire departments in relevant
3 communities.

4 (c) COMPATIBILITY; ADDITIONAL FREQUENCIES.—

5 The report under subsection (a) shall include—

6 (1) a determination on whether the entities de-
7 scribed in subsection (b) have the ability to commu-
8 nicate by way of radio during a potential fire sup-
9 pression effort for a community conflagration;

10 (2) a determination on whether—

11 (A) the reserved radio frequencies are suf-
12 ficient for wildfire management; or

13 (B) additional frequencies, listed by type
14 and location, are recommended to be reserved
15 or obtained;

16 (3) an analysis of commercially available tech-
17 nology and products to enable radios from multiple
18 agencies operating on different radio frequencies to
19 be interoperable; and

20 (4) if the Administrator determines under para-
21 graph (1) that any entities do not have the ability
22 to communicate, a plan for ensuring such entities
23 would be able to communicate adequately during a
24 fire suppression effort for a community conflagra-
25 tion.

1 **SEC. 8. AMENDMENT TO COMMUNITY WILDFIRE DEFENSE**
2 **GRANT PROGRAM TO ALLOW STRUCTURE**
3 **HARDENING.**

4 Section 40803(f) of the Infrastructure Investment
5 and Jobs Act (16 U.S.C. 6592(f)) is amended—

6 (1) in paragraph (1)(B), by striking “projects”
7 and inserting “projects (including projects described
8 in paragraph (3)(D))”; and

9 (2) in paragraph (3), by adding at the end the
10 following:

11 “(D) PROJECTS DESCRIBED.—A project
12 referred to in paragraph (1)(B) is a project for
13 any of the following:

14 “(i) The construction, modification, or
15 maintenance of a structure to make the
16 structure resistant to the intrusion of
17 flames or embers.

18 “(ii) The modification of a structure
19 or an area adjacent to a structure (includ-
20 ing vegetation and miscellaneous struc-
21 tures, such as garages, sheds, and fencing)
22 if such modification is carried out—

23 “(I) to reduce the exposure of the
24 structure to direct contact from
25 flames, radiation, or embers from
26 wildfire; and

1 “(II) with consideration for the
2 potential effects on the structure of
3 nearby combustible features (including
4 vegetation, vehicles, and miscellaneous
5 structures, such as garages, sheds,
6 and fencing).”.