

Calendar No. 654

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
{ 117-263

FIRE SUPPRESSION IMPROVEMENT ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 4328

TO MODIFY THE FIRE MANAGEMENT ASSISTANCE COST
SHARE, AND FOR OTHER PURPOSES



DECEMBER 15, 2022.—Ordered to be printed

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Mr. PETERS, from the Committee on Homeland Security and Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 4328]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 4328) to modify the fire management assistance cost share, and for other purposes, having considered the same, reports favorably thereon with amendments and recommends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 4328, *the Fire Suppression Improvement Act*, sets the federal cost share of the Fire Management Assistance Grant (FMAG) Program at not less than 75% of the eligible cost of such assistance. Additionally, the bill requires the Federal Emergency Management Agency (FEMA) to complete a rulemaking to provide criteria for the circumstances under which it may recommend that the President increase the federal cost share.

II. BACKGROUND AND NEED FOR THE LEGISLATION

Wildfires remain a persistent threat in the United States. From 2012 to 2021, there were an average of 61,289 wildfires annually,

impacting an average of 7.4 million acres in the country.¹ Of the nearly 6,000 structures burned in 2021, 60% were residences.² A state experiencing a wildfire is able to request assistance from FEMA for fires beginning on state or private lands. The most frequent assistance FEMA provides for fires is through the FMAG program. An FMAG declaration authorizes different forms of federal assistance to support fire suppression activities such as equipment, personnel, emergency work, and personal comfort and safety items for firefighter health and safety for fires that threaten to become major disasters. The support provided through FMAGs is to aid state and local responders in containing fires before they cause significant harm to communities. The grants under this program are currently reimbursed at 75% of eligible suppression costs for eligible fires.³

This legislation sets the federal cost share of the FMAG program at no less than 75%, allowing the federal government to raise the federal share to more than 75%, in alignment with other FEMA disaster assistance program cost shares, possibly reducing the financial burden that communities face in the wake of worsening wildfires.

III. LEGISLATIVE HISTORY

S. 4328 was introduced on May 26, 2022 by Senators Padilla (D-CA), Luján (D-NM), Feinstein (D-CA), Heinrich (D NM) and Murray (D-WA). The bill was referred to the Senate Committee on Homeland Security and Governmental Affairs. Senators Sullivan (R-AK) and Rosen (D-NV) later joined as cosponsors.

The Committee considered S. 4328 at a business meeting on September 28, 2022. During the meeting, Senator Padilla offered an amendment striking language that would have allowed state or local governments to use FMAGs for the pre-deployment of assets and resources. The Committee adopted Padilla Amendment 1 and reported the bill favorably by voice vote *en bloc*, as amended. The Senators present for the vote were Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Lankford, Romney, Scott, and Hawley.

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This section designates the name of the bill as the “Fire Suppression Improvement Act.”

Section 2. Fire management assistance cost share

This section provides that the Federal cost share of the FMAG program cannot be less than 75% of the eligible cost of assistance. Additionally, this section states that the 75% cost share only applies to amounts appropriated on or after enactment.

¹ Congressional Research Service, Federal Assistance for Wildfire Response and Recovery (IF10732) (May 2, 2022).

² *Id.*

³ *Id.*

Section 3. Rulemaking

This section requires the FEMA Administrator to complete a rulemaking to provide criteria for the circumstances under which it may recommend that the President increase the federal cost share above 75%.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows: (existing law proposed to be omitted is enclosed in brackets, new matter is printed in italic, and existing law in which no change is proposed is shown in roman):

**ROBERT T. STAFFORD DISASTER RELIEF AND
EMERGENCY ASSISTANCE ACT**

* * * * *

SEC. 420. FIRE MANAGEMENT ASSISTANCE.

- (a) * * *
- (b) * * *
- (c) * * *
- (d) * * *

(e) *FEDERAL SHARE.*—*The Federal share of assistance under this section shall be not less than 75 percent of the eligible cost of such assistance.*

[(e)] (f) *RULES AND REGULATIONS.*—The President shall prescribe such rules and regulations as are necessary to carry out this section.

* * * * *