

WILDFIRE SUPPRESSION FUNDING AND FOREST MANAGEMENT ACTIVITIES ACT

CHANGES IN EXISTING LAW

Changes in existing law made to the Consolidated Appropriations Act for Fiscal Year 2018 are shown as follows: Existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, and existing law in which no change is proposed is shown in roman).

Division O of H.R. 1625, the Consolidated Appropriations Act, Fiscal year 2018 included two sections of the "Wildfire Suppression Funding and Forest Management Activities Act", which is the short title for the division.

SECTION 102 WILDFIRE AND DISASTER FUNDING ADJUSTMENT.

[This section amended section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985]

SEC. 251. ENFORCING DISCRETIONARY SPENDING LIMITS.

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(b) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

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(2) SEQUESTRATION REPORTS.—When OMB submits a sequestration report under section 254(e), (f), or (g) for a fiscal year, OMB shall calculate, and the sequestration report and subsequent budgets submitted by the President under section 1105(a) of title 31, United States Code, shall include adjustments to discretionary spending limits (and those limits as adjusted) for the fiscal year and each succeeding year, as follows:

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(D) DISASTER FUNDING.—

(i) If, for fiscal years 2012 through 2021, appropriations for discretionary accounts are enacted that Congress designates as being for disaster relief in statute, the adjustment for a fiscal year shall be the total of such appropriations for the fiscal year in discretionary accounts designated as being for disaster relief, but not to ex-

ceed the total of—

[(I) the average funding provided for disaster relief over the previous 10 years, excluding the highest and lowest years; and

[(II) the amount, for years when the enacted new discretionary budget authority designated as being for disaster relief for the preceding fiscal year was less than the average as calculated in subclause (I) for that fiscal year, that is the difference between the enacted amount and the allowable adjustment as calculated in such subclause for that fiscal year.]

(I) the average over the previous 10 years (excluding the highest and lowest years) of the sum of the funding provided for disaster relief (as that term is defined on the date immediately before the date of enactment of the Wildfire Suppression Funding and Forest Management Activities Act);

(II) notwithstanding clause (iv), starting in fiscal year 2018, five percent of the total appropriations provided after fiscal year 2011 or in the previous 10 years, whichever is less, net of any rescissions of budget authority enacted in the same period, with respect to amounts provided for major disasters declared pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) and designated by the Congress and the President as an emergency pursuant to subparagraph (A)(i) of this paragraph; and

(III) the cumulative net total of the unused carryover for fiscal year 2018 and all subsequent fiscal years, where the unused carryover for each fiscal year is calculated as the sum of the amounts in subclauses (I) and (II) less the enacted appropriations for that fiscal year that have been designated as being for disaster relief.

(ii) OMB shall report to the Committees on Appropriations and Budget in each House the average calculated pursuant to clause (i)(II), [not later than 30 days after the date of the enactment of the Budget Control Act of 2011] *not later than 30 days after the date of the enactment of the Wildfire Suppression Funding and Forest Management Activities Act.*

(iii) For the purposes of this subparagraph,

the term “disaster relief” means activities carried out pursuant to a determination under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)).

(iv) Appropriations considered disaster relief under this subparagraph in a fiscal year shall not be eligible for adjustments under subparagraph (A) for the fiscal year.

(E) REEMPLOYMENT SERVICES AND ELIGIBILITY ASSESSMENTS.—

(i) IN GENERAL.—If a bill or joint resolution making appropriations for a fiscal year is enacted that specifies an amount for grants to States under section 306 of the Social Security Act, then the adjustment for that fiscal year shall be the additional new budget authority provided in that Act for such grants for that fiscal year, but shall not exceed—

- (I) for fiscal year 2018, \$0;
- (II) for fiscal year 2019, \$33,000,000;
- (III) for fiscal year 2020, \$58,000,000; and
- (IV) for fiscal year 2021, \$83,000,000.

(ii) DEFINITION.—As used in this subparagraph, the term “additional new budget authority” means the amount provided for a fiscal year, in excess of \$117,000,000, in an appropriation Act and specified to pay for grants to States under section 306 of the Social Security Act.

(F) WILDFIRE SUPPRESSION.—

(i) ADDITIONAL NEW BUDGET AUTHORITY.—If, for fiscal years 2020 through 2027, a bill or joint resolution making appropriations for a fiscal year is enacted that provides an amount for wildfire suppression operations in the Wildland Fire Management accounts at the Department of Agriculture or the Department of the Interior, then the adjustments for that fiscal year shall be the amount of additional new budget authority provided in that Act for wildfire suppression operations for that fiscal year, but shall not exceed—

- (I) for fiscal year 2020, \$2,250,000,000;
- (II) for fiscal year 2021, \$2,350,000,000;
- (III) for fiscal year 2022, \$2,450,000,000;
- (IV) for fiscal year 2023, \$2,550,000,000;
- (V) for fiscal year 2024, \$2,650,000,000;
- (VI) for fiscal year 2025, \$2,750,000,000;
- (VII) for fiscal year 2026, \$2,850,000,000;

and

(VIII) for fiscal year 2027, \$2,950,000,000.

(ii) DEFINITIONS.—In this subparagraph:

(I) ADDITIONAL NEW BUDGET AUTHORITY.—The term “additional new budget authority” means the amount provided for a fiscal year in an appropriation Act that is in excess of the average costs for wildfire suppression operations as reported in the budget of the President submitted under section 1105(a) of title 31, United States Code, for fiscal year 2015 and are specified to pay for the costs of wildfire suppression operations in an amount not to exceed the amount specified for that fiscal year in clause (i).

(II) WILDFIRE SUPPRESSION OPERATIONS.—The term “wildfire suppression operations” means the emergency and unpredictable aspects of wildland firefighting, including—

(aa) support, response, and emergency stabilization activities;

(bb) other emergency management activities; and

(cc) the funds necessary to repay any transfers needed for the costs of wildfire suppression operations.

(c) DISCRETIONARY SPENDING LIMIT.—As used in this part, the term “discretionary spending limit” means—

(1) for fiscal year 2014—

(A) for the revised security category, \$520,464,000,000 in new budget authority; and

(B) for the revised nonsecurity category, \$491,773,000,000 in new budget authority;

(2) for fiscal year 2015—

(A) for the revised security category, \$521,272,000,000 in new budget authority; and

(B) for the revised nonsecurity category, \$492,356,000,000 in new budget authority;

(3) for fiscal year 2016—

(A) for the revised security category, \$548,091,000,000 in new budget authority; and

(B) for the revised nonsecurity category, \$518,491,000,000 in new budget authority;

(4) for fiscal year 2017—

(A) for the revised security category, \$551,068,000,000 in new budget authority; and

(B) for the revised nonsecurity category, \$518,531,000,000 in new budget authority;

(5) for fiscal year 2018—

(A) for the revised security category,

\$629,000,000,000 in new budget authority; and
 (B) for the revised nonsecurity category
 \$579,000,000,000 in new budget authority;
 (6) for fiscal year 2019—
 (A) for the revised security category,
 \$647,000,000,000 in new budget authority; and
 (B) for the revised nonsecurity category,
 \$597,000,000,000 in new budget authority;
 (7) for fiscal year 2020—
 (A) for the revised security category,
 \$630,000,000,000 in new budget authority; and
 (B) for the revised nonsecurity category,
 \$578,000,000,000 in new budget authority; and
 (8) for fiscal year 2021—
 (A) for the revised security category,
 \$644,000,000,000 in new budget authority; and
 (B) for the revised nonsecurity category,
 \$590,000,000,000 in new budget authority;
 as adjusted in strict conformance with subsection (b).

SEC. 104. REPORTING REQUIREMENTS.

Section 104 added the following reporting requirement. It did not amend existing law, but added requirements associated with the amendment made by section 102 of the Wildfire Suppression Funding and Forest Management Activities Act:

SEC. 104. REPORTING REQUIREMENTS.

(a) IN GENERAL.—Not later than 90 days after the end of the fiscal year for which additional new budget authority is used, pursuant to section 251(b)(2)(F)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(F)(i)), as added by section 102 of this division, the Secretary of the Interior or the Secretary of Agriculture (as applicable), in consultation with the Director of the Office of Management and Budget, shall—

(1) prepare an annual report with respect to the additional new budget authority;

(2) submit to the Committees on Appropriations, the Budget, and Natural Resources of the House of Representatives and the Committees on Appropriations, the Budget, and Energy and Natural Resources of the Senate the annual report prepared under paragraph (1); and

(3) make the report prepared under paragraph (1) available to the public.

(b) COMPONENTS.—The annual report prepared under subsection (a)(1) shall—

- (1) document obligations and outlays of the additional new budget authority for wildfire suppression operations;
- (2) identify risk-based factors that influenced management decisions with respect to wildfire suppression operations;
- (3) analyze a statistically significant sample of large fires, including an analysis for each fire of—
 - (A) cost drivers;
 - (B) the effectiveness of risk management techniques and whether fire operations strategy tracked the risk assessment;
 - (C) any resulting ecological or other benefits to the landscape;
 - (D) the impact of investments in wildfire suppression operations preparedness;
 - (E) effectiveness of wildfire suppression operations, including an analysis of resources lost versus dollars invested;
 - (F) effectiveness of any fuel treatments on fire behavior and suppression expenditures;
 - (G) levels of exposure experienced by firefighters;
 - (H) suggested corrective actions; and
 - (I) any other factors the Secretary of the Interior or Secretary of Agriculture (as applicable) determines to be appropriate;
- (4) include an accounting of overall fire management and spending by the Department of the Interior or the Department of Agriculture, which shall be analyzed by fire size, cost, regional location, and other factors;
- (5) describe any lessons learned in the conduct of wildfire suppression operations; and
- (6) include any other elements that the Secretary of the Interior or the Secretary of Agriculture (as applicable) determines to be necessary.