

**Calendar No. 624**

118TH CONGRESS  
2D SESSION

**S. 4424**

To direct the Secretary of the Interior and the Secretary of Agriculture to encourage and expand the use of prescribed fire on land managed by the Department of the Interior or the Forest Service, with an emphasis on units of the National Forest System in the western United States, to acknowledge and support the long-standing use of cultural burning by Tribes and Indigenous practitioners, and for other purposes.

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**IN THE SENATE OF THE UNITED STATES**

MAY 23, 2024

Mr. WYDEN (for himself and Mr. PADILLA) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

NOVEMBER 21, 2024

Reported by Mr. MANCHIN, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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**A BILL**

To direct the Secretary of the Interior and the Secretary of Agriculture to encourage and expand the use of prescribed fire on land managed by the Department of the Interior or the Forest Service, with an emphasis on units of the National Forest System in the western United States, to acknowledge and support the long-standing use of cultural burning by Tribes and Indigenous practitioners, 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; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the  
 5 “National Prescribed Fire Act of 2024”.

6 (b) **TABLE OF CONTENTS.**—The table of contents for  
 7 this Act is as follows:

Sec. 1. Short title; table of contents.  
 Sec. 2. Findings.  
 Sec. 3. Definitions.

**TITLE I—USE OF FUNDS**

Sec. 101. Prescribed fire accounts.  
 Sec. 102. Policies and practices.  
 Sec. 103. Collaborative prescribed fire program.

**TITLE II—FACILITATING IMPLEMENTATION AND OUTREACH**

Sec. 201. Cooperative agreements and contracts.  
 Sec. 202. Human resources.  
 Sec. 203. Liability of certified prescribed fire managers.  
 Sec. 204. Prescribed fire claims fund study.  
 Sec. 205. Environmental review.  
 Sec. 206. Prescribed fire education program.

**TITLE III—REPORTING**

Sec. 301. Annual reports to the National Fire Planning and Operations Data-  
 base.  
 Sec. 302. Annual implementation report.

8 **SEC. 2. FINDINGS.**

9 Congress finds that—

10 (1) in 2018, the Forest Service Fire Modeling  
 11 Institute determined that 63,070,000 acres of Na-  
 12 tional Forest System land and 171,200,000 acres of  
 13 other forest land were at high or very high risk of  
 14 experiencing a wildfire that would be difficult to sup-  
 15 press;

1           (2) according to the National Interagency Co-  
2           ordination Center, between 2010 and 2019, in the  
3           United States, on average—

4                   (A) 64,000 wildfires burned 6,847,000  
5           acres annually; and

6                   (B) 100,000 prescribed fires burned only  
7           3,672,000 acres annually;

8           (3) indigenous communities have used cultural  
9           burning to manage landscapes since time immemo-  
10          rial;

11          (4) according to the National Interagency Co-  
12          ordination Center, the annual cost of suppressing  
13          wildfires in a State with an active prescribed burn-  
14          ing program is less than 1 percent of the annual  
15          cost of suppressing wildfires in a State without an  
16          active prescribed burning program, despite each  
17          State having the same number of wildfires;

18          (5) according to a 2021 Environmental Protec-  
19          tion Agency report assessing the air quality and  
20          health impacts of prescribed fire compared to wild-  
21          fire, smoke impacts from prescribed fire were found  
22          to be smaller in magnitude and shorter in duration;

23          (6) according to a 2019 study conducted by  
24          Stanford University, smoke from prescribed fires ex-

poses children to fewer negative health effects than the detrimental smoke generated by wildfires;

~~(7)~~ according to a 2015 study published in Ecology, trees that have not been burnt by a low-intensity fire are unusually prone to bark beetle attacks, and between 2000 and 2010, bark beetles killed the majority of trees on 32,000,000 acres of the 193,000,000 acres of National Forest System land;

~~(8)~~ as of March 1, 2023, there were—

~~(A)~~ 38 prescribed fire councils in 34 States; and

~~(B)~~ 113 prescribed burn associations in 19 States;

~~(9)~~ according to the 2021 National Prescribed Fire Use Survey Report—

~~(A)~~ 41 States regulate prescribed fires by issuing burn permits;

~~(B)~~ 23 States offer prescribed burn manager certification courses to facilitate responsible burning on private land;

~~(C)~~ only 5 States (Vermont, Massachusetts, Missouri, Connecticut, and Rhode Island) lack laws to reduce liability associated with the responsible use of prescribed fire; and

(D) only 8 States (Florida, Montana, Nevada, Colorado, Michigan, Georgia, South Carolina, and Washington) have laws that use a standard of gross negligence for determining liabilities for the responsible use of prescribed fire; and

(10) as of September 30, 2019, 31 States have a formal process to track the number of acres treated for forestry purposes using prescribed fire.

### 10 **SEC. 3. DEFINITIONS.**

11 In this Act:

12 (1) **FEDERAL LAND.**—The term “Federal land”  
13 means—

14 (A) public lands (as defined in section 103  
15 of the Federal Land Policy and Management  
16 Act of 1976 (43 U.S.C. 1702));

17 (B) units of the National Park System;

18 (C) units of the National Wildlife Refuge  
19 System;

20 (D) land held in trust by the United States  
21 for the benefit of Indian Tribes or members of  
22 an Indian Tribe; and

23 (E) National Forest System land.

24 (2) **LANDSCAPE-SCALE PRESCRIBED FIRE**  
25 **PLAN.**—The term “landscape-scale prescribed fire

plan” means a decision document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) that—

(A) covers a unit of the National Forest System, a Bureau of Land Management district, or a subunit thereof;

(B) analyzes the site-specific environmental consequences of prescribed fire on the land described in subparagraph (A); and

(C) obviates the need for subsequent decisions pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) with respect to the unit, district, or subunit described in subparagraph (A).

(3) NATIONAL FOREST SYSTEM.—

(A) IN GENERAL.—The term “National Forest System” has the meaning given the term in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)).

(B) EXCLUSION.—The term “National Forest System” does not include the national grasslands and land utilization projects administered under title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1010 et seq.).

(4) **PRESCRIBED FIRE.**—The term “prescribed fire” means a fire deliberately ignited to burn wildland fuels in a natural or modified state—

(A) under specified environmental conditions that are intended to allow the fire to be confined to a predetermined area and produce the fireline intensity and rate of spread required to attain planned resource management objectives;

(B) that does not include pile burning; and

(C) in accordance with applicable law, including applicable regulations.

(5) **SECRETARIES.**—The term “Secretaries” means—

(A) the Secretary; and

(B) the Secretary of Agriculture.

(6) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

## **TITLE I—USE OF FUNDS**

### **SEC. 101. PRESCRIBED FIRE ACCOUNTS.**

(a) **DEFINITION OF SECRETARY CONCERNED.**—In this section, the term “Secretary concerned” means—

(1) the Secretary of Agriculture, with respect to an account established by this section for the Department of Agriculture; and

1           (2) the Secretary, with respect to an account  
 2           established by this section for the Department of the  
 3           Interior.

4           (b) ESTABLISHMENT OF ACCOUNTS.—There are es-  
 5           tablished in the Treasury of the United States the fol-  
 6           lowing accounts:

7           (1) The Prescribed Fire account for the De-  
 8           partment of Agriculture.

9           (2) The Prescribed Fire account for the De-  
 10          partment of the Interior.

11          (c) AUTHORIZATION OF APPROPRIATIONS.—There is  
 12          authorized to be appropriated to the accounts established  
 13          by subsection (b) a total of \$300,000,000 for fiscal year  
 14          2024 and each fiscal year thereafter.

15          (d) PRESIDENTIAL BUDGET REQUESTS.—For fiscal  
 16          year 2024 and each fiscal year thereafter, each Secretary  
 17          concerned shall submit, in the budget justification mate-  
 18          rials submitted to Congress in support of the budget of  
 19          the relevant Department for each fiscal year (as submitted  
 20          with the budget of the President under section 1105(a)  
 21          of title 31, United States Code)—

22                 (1) a request for amounts in the Wildland Fire  
 23          Management appropriation account of the Secretary  
 24          concerned to carry out the activities described in  
 25          subsection (e); and



(2) an accounting of costs with respect to prescribed fire, by region of the National Forest System or the Department of the Interior, as applicable, for the previous 3 years, including—

(A) the amount spent on prescribed fire;

(B) the number of acres treated with prescribed fire; and

(C) the number of personnel dedicated to carrying out prescribed fire.

(e) USE OF FUNDS.—

(1) MANDATORY ACTIVITIES.—The Secretary concerned shall use amounts in the accounts established by subsection (b)—

(A) to develop, in coordination with State, local, and Tribal governments, a prescribed fire operational strategy for each region of the National Forest System or the Department of the Interior, as applicable, specifically for using funding provided through the Infrastructure Investment and Jobs Act (Public Law 117–58; 135 Stat. 429) and other additional sources of funding; that describes—

(i) the fire deficit by region;

(ii) staffing and funding needs;

1                   (iii) plans to apply prescribed fire;

2                   and

3                   (iv) regional targets to demonstrate

4                   an increase in prescribed fire with respect

5                   to—

6                   (I) existing programs; and

7                   (II) activities carried out using

8                   additional funding sources;

9                   (B) with respect to prescribed fires—

10                  (i) to carry out necessary environ-

11                  mental reviews;

12                  (ii) to conduct outreach to the public;

13                  Indian Tribes and beneficiaries; and adja-

14                  cent landowners;

15                  (iii) to conduct any required pre-igni-

16                  tion cultural and environmental surveys;

17                  and

18                  (iv) to implement prescribed fires on

19                  Federal land;

20                  (C) to hire additional, dedicated personnel

21                  and procure additional equipment, including un-

22                  manned aerial systems equipped with an aerial

23                  ignition system; to implement a greater number

24                  of prescribed fires;

(D) to fund an increase in staffing (including in-person and hybrid staff) in order to provide training for the implementation of prescribed fire and management of smoke;

(E) to conduct post-prescribed fire activities, such as—

(i) reseeding to prevent the spread of invasive species; and

(ii) recurring application of fire to maintain desired conditions;

(F) to conduct monitoring for safety and fire effects on ecosystem resilience and risk mitigation; and

(G) to use key performance indicators, including—

(i) the annual number of acres of National Forest System land or public lands, as applicable, where completed treatment effectively mitigates wildfire risk or maintains or restores ecological integrity with respect to—

(I) land in the wildland-urban interface; and

(II) land not in the wildland-urban interface;

1                   (ii) the number of acres in a desired  
2                   condition as a result of fire management  
3                   objectives, as determined by the Secretary  
4                   concerned;

5                   (iii) the number of acres treated with  
6                   prescribed fire and the quantity of emis-  
7                   sions from prescribed fires;

8                   (iv) the number of acres where treat-  
9                   ment results in changes in fire regime con-  
10                  dition class; and

11                  (v) the number of burns conducted by  
12                  Indian Tribes or Indigenous-led organiza-  
13                  tions or pursuant to an agreement with an  
14                  Indian Tribe or Indigenous-led organiza-  
15                  tion.

16               (2) JOINT COORDINATION.—The Secretaries  
17               shall coordinate to jointly develop a common data  
18               management and analysis system for planning and  
19               post-treatment accountability.

20               (3) AUTHORIZED ACTIVITIES.—The Secretary  
21               concerned may—

22                   (A) assist State, Tribal, local government,  
23                   or private prescribed fire programs—

24                   (i) to establish a training or certifi-  
25                   cation program for teams comprised of

1 citizens or local fire services to conduct  
2 prescribed fires on private land, consistent  
3 with any standards developed by the Na-  
4 tional Wildfire Coordinating Group or  
5 State prescribed fire standards;

6 (ii) to enable additional fire managers  
7 and apparatus, whether provided by the  
8 local resources of an agency, private con-  
9 tractors, nongovernmental organizations,  
10 Indian Tribes, local fire services, or quali-  
11 fied individuals, to assist in implementing  
12 a prescribed fire;

13 (iii) in funding the completion of the  
14 claims funds study under section 204; or

15 (iv) to finance the implementation of  
16 a prescribed fire on State, Tribal, or pri-  
17 vate land and any post-prescribed fire ac-  
18 tivities as are determined to be necessary  
19 by the Secretary concerned;

20 (B) provide technical or financial assist-  
21 ance to a prescribed fire council or prescribed  
22 burn association for the establishment or oper-  
23 ation of the council or association; and

1           (C) provide funding for the collaborative  
 2           prescribed fire program established under sec-  
 3           tion 103.

4           (f) PRIORITIZATION OF FUNDING.—

5           (1) IN GENERAL.—Subject to paragraph (2),  
 6           the Secretary concerned shall coordinate with Fed-  
 7           eral, State, and local agencies, Indian Tribes, and  
 8           nongovernmental organizations, including through  
 9           the Wildland Fire Leadership Council, to establish  
 10          prioritization criteria for expending funds under this  
 11          section for each activity described in subsection (c).

12          (2) REQUIREMENT.—In establishing criteria  
 13          under paragraph (1), the Secretary concerned shall  
 14          give priority to a project that is—

15               (A) implemented across a large contiguous  
 16               area;

17               (B) cross-boundary in nature;

18               (C) in an area that is—

19                       (i) threatening to, or located in, the  
 20                       wildland-urban interface and identified as  
 21                       a priority area in a statewide forest re-  
 22                       source assessment or Community Wildfire  
 23                       Protection Plan; or

- 1                   (ii) identified as important to the pro-  
 2                   tection of a Tribal trust resource or the re-  
 3                   served or treaty rights of an Indian Tribe;  
 4                   (D) on acres at high or very high risk of  
 5                   experiencing a wildfire that would be difficult to  
 6                   suppress;  
 7                   (E) in an area that is designated as critical  
 8                   habitat and in need of ecological restoration or  
 9                   enhancement that can be achieved with the aid  
 10                  of prescribed fire; or  
 11                  (F) supportive of potential operational de-  
 12                  lineations or a strategic response zone.

13 **SEC. 102. POLICIES AND PRACTICES.**

14       Beginning with the first fiscal year that begins after  
 15 the date of enactment of this Act, and for each of the  
 16 9 fiscal years thereafter, the Secretaries shall conduct pre-  
 17 scribed fires on Federal land such that the total number  
 18 and combined size of all prescribed fires on Federal land  
 19 is 10 percent greater than the total number and combined  
 20 size of all prescribed fires on Federal land in the preceding  
 21 fiscal year.

22 **SEC. 103. COLLABORATIVE PRESCRIBED FIRE PROGRAM.**

23       (a) IN GENERAL.—The Secretary shall establish  
 24 within the Department of the Interior a collaborative pre-  
 25 scribed fire program (referred to in this section as the

1 “program”) to provide financial assistance to eligible enti-  
 2 ties, including units of Federal land management agencies  
 3 within the Department of Agriculture and the Department  
 4 of the Interior, Indian Tribes, State or local governments,  
 5 nongovernmental organizations, and prescribed fire coun-  
 6 cils, for the implementation of proposals to conduct pre-  
 7 scribed fires in priority landscapes in accordance with ap-  
 8 plicable existing policies.

9 (b) PROPOSAL CRITERIA.—To be eligible for selection  
 10 for the program, a proposal shall—

11 (1) identify and prioritize planned prescribed  
 12 fires for a 6-year period within a landscape;

13 (2) establish annual accomplishment targets for  
 14 prescribed fires under the proposal;

15 (3) be developed through a collaborative proc-  
 16 ess;

17 (4) be implemented across multiple jurisdic-  
 18 tions;

19 (5) provide an estimate of—

20 (A) the amount of annual Federal financial  
 21 assistance necessary to implement the proposal;  
 22 and

23 (B) the amount of non-Federal funds that  
 24 would be leveraged to implement the proposal;



1           (6) describe benefits to sensitive wildlife, inver-  
2           tebrate, and plant species of concern; and

3           (7) describe any established record of successful  
4           collaborative planning or use of prescribed fire by  
5           the entity submitting the proposal.

6           (c) ~~SELECTION CRITERIA.~~—Subject to the avail-  
7           ability of appropriations, the Secretary shall select pro-  
8           posals for financial assistance under the program that, as  
9           determined by the Secretary, would likely treat the most  
10          strategic acres at high or very high risk of experiencing  
11          a wildfire that would threaten critical values and be dif-  
12          ficult to suppress.

13          (d) ~~LIMITATIONS.~~—

14           (1) ~~NUMBER OF PROJECTS.~~—The Secretary  
15           may not provide more than \$20,000,000 in total  
16           funding under the program in any fiscal year.

17           (2) ~~PROJECT FUNDING.~~—The Secretary may  
18           not provide more than \$1,000,000 to any 1 project  
19           under the program in any fiscal year.

20           (3) ~~PROJECT PERFORMANCE.~~—The Secretary  
21           shall cease funding any proposal that, for 3 consec-  
22           utive years, fails to meet the annual accomplishment  
23           targets that were established under subsection  
24           (b)(2).

1       (c) ~~EXPERIENTIAL TRAINING EXCHANGES.~~—Not less  
 2 frequently than once every 3 years, a recipient of financial  
 3 assistance under the program shall provide to local entities  
 4 and non-local entities an experiential, group training  
 5 event, such as Prescribed Fire Training Exchange, relat-  
 6 ing to prescribed fires.

7       (f) ~~REPORTING.~~—

8           (1) ~~PROJECT REPORTING.~~—A recipient of fi-  
 9 nancial assistance under the program shall annually  
 10 submit to the Secretary a report summarizing, at a  
 11 minimum—

12               (A) the number of acres mitigated with  
 13 prescribed fire by the recipient under the pro-  
 14 gram;

15               (B) the amount of Federal and non-Fed-  
 16 eral funds used by the recipient under the pro-  
 17 gram; and

18               (C) the status and progress of any collabo-  
 19 rative relationships associated with the project.

20       (2) ~~PROGRAM REPORTING.~~—Not later than 2  
 21 years after the first fiscal year in which funding is  
 22 made available to carry out prescribed fires under  
 23 the program, and every 2 years thereafter, the Sec-  
 24 retary shall submit to the Committee on Energy and  
 25 Natural Resources of the Senate and the Committee

1 on Natural Resources of the House of Representa-  
 2 tives a report on the program.

3 ~~(g) AUTHORIZATION OF APPROPRIATIONS.—~~There is  
 4 authorized to be appropriated to carry out this section  
 5 \$10,000,000 for each of fiscal years 2024 through 2033,  
 6 to remain available until expended.

## 7 **TITLE II—FACILITATING IMPLE-** 8 **MENTATION AND OUTREACH**

### 9 **SEC. 201. COOPERATIVE AGREEMENTS AND CONTRACTS.**

10 (a) ~~DEFINITION OF ELIGIBLE ENTITY.—~~In this sec-  
 11 tion, the term “eligible entity” means—

- 12 (1) a State;
- 13 (2) an Indian Tribe;
- 14 (3) a county or municipal government;
- 15 (4) a fire district;
- 16 (5) a nongovernmental organization; and
- 17 (6) a private entity.

18 (b) ~~AUTHORIZATION.—~~The Secretaries may enter  
 19 into a cooperative agreement or contract with an eligible  
 20 entity to authorize the eligible entity to coordinate, plan,  
 21 or conduct a prescribed fire on Federal land.

22 (c) ~~SUBCONTRACTS.—~~A State, Indian Tribe, or coun-  
 23 ty that enters into a cooperative agreement or contract  
 24 under subsection (b) may enter into a subcontract, in ac-  
 25 cordance with applicable contracting procedures of the

1 State, Indian Tribe, or county, to conduct a prescribed  
 2 fire on Federal land pursuant to that cooperative agree-  
 3 ment or contract.

4 (d) AGENT OF SECRETARY.—A cooperative agree-  
 5 ment or contract entered into under subsection (b) may  
 6 authorize the eligible entity to serve as the agent for the  
 7 Secretary or the Secretary of Agriculture in coordinating,  
 8 planning, or conducting a prescribed fire—

9 (1) on Federal land; or

10 (2) across an area that—

11 (A) includes adjacent landowners; and

12 (B) includes Federal land.

13 (e) APPLICABLE LAW.—A prescribed fire conducted  
 14 under this section shall be carried out on a project-to-  
 15 project basis under existing authorities of the applicable  
 16 agency responsible for the management of the Federal  
 17 land.

18 (f) PRESERVATION OF DECISION AUTHORITY.—No  
 19 project authorized under this section may be undertaken  
 20 without the prior written approval of the Secretary or the  
 21 Secretary of Agriculture.

22 (g) LONG-TERM CONTRACTS.—A cooperative agree-  
 23 ment or contract with an eligible entity under subsection  
 24 (b) may authorize the eligible entity to conduct a series

1 of prescribed fires on Federal land for a period of not  
2 longer than 10 years.

3 **SEC. 202. HUMAN RESOURCES.**

4 ~~(a) PRESCRIBED FIRE WORKFORCE.—~~

5 ~~(1) SENSE OF CONGRESS.—It is the sense of~~  
6 ~~Congress that—~~

7 ~~(A) in order to develop a prescribed fire~~  
8 ~~workforce, training in prescribed fire should be~~  
9 ~~developed with an emphasis on ecological out-~~  
10 ~~comes and wildfire risk reduction and outside of~~  
11 ~~the parameters of suppression-oriented training;~~

12 ~~(B) the Secretaries should hire additional~~  
13 ~~employees and provide or support training and~~  
14 ~~development activities, including through part-~~  
15 ~~nerships with educational institutions, non-~~  
16 ~~governmental organizations, States, and Tribal~~  
17 ~~entities, to increase the number of skilled and~~  
18 ~~qualified practitioners dedicated to prescribed~~  
19 ~~fire with smoke management skills;~~

20 ~~(C) qualifications or certifications in pre-~~  
21 ~~scribed fire should be broad to support an all-~~  
22 ~~hands, all-lands approach to burning that is re-~~  
23 ~~spectful of diverse cultural traditions and other~~  
24 ~~experiential learning; and~~

1           ~~(D)~~ training in prescribed fire may be re-  
 2           gionally focused and should include topics of—

3                 ~~(i)~~ cultural fire history and traditions;  
 4                 which should be provided by or with the  
 5                 consent of Indian Tribes or Indigenous-led  
 6                 organizations;

7                 ~~(ii)~~ fire ecology; and

8                 ~~(iii)~~ smoke management.

9           ~~(2)~~ OVERTIME PAYMENTS.—

10           ~~(A)~~ PURPOSE.—The purpose of the  
 11           amendment made by subparagraph ~~(B)~~ is to  
 12           allow the Secretaries to use additional new  
 13           budget authority for wildfire suppression for the  
 14           cost of overtime payments to employees imple-  
 15           menting a prescribed fire.

16           ~~(B)~~                   AMENDMENT.—Section  
 17           251(b)(2)(F)(ii)(II) of the Balanced Budget  
 18           and Emergency Deficit Control Act of 1985 (~~2~~  
 19           U.S.C. 901(b)(2)(F)(ii)(II)) is amended—

20                 ~~(i)~~ in item ~~(bb)~~, by striking “and” at  
 21                 the end;

22                 ~~(ii)~~ in item ~~(cc)~~, by striking the period  
 23                 at the end and inserting “; and”; and

24                 ~~(iii)~~ by adding at the end the fol-  
 25                 lowing:

1                   “(dd) overtime payments to  
 2                   employees (including individuals  
 3                   employed in carrying out a con-  
 4                   tract between an Indian Tribe  
 5                   and the Department of Agri-  
 6                   culture or the Department of the  
 7                   Interior) implementing a pre-  
 8                   scribed fire (as defined in section  
 9                   3 of the National Prescribed Fire  
 10                  Act of 2024).”.

11               (3) INCREASING WORKFORCE RETENTION.—

12               (A) PURPOSE.—The purpose of this para-  
 13               graph is to require the Secretaries to carry out  
 14               activities to retain sufficient workforce to imple-  
 15               ment prescribed fires and to remain competitive  
 16               with other non-Federal firefighting programs.

17               (B) HAZARD PAY.—

18               (i) IN GENERAL.—Each Federal em-  
 19               ployee in any classification series carrying  
 20               out work completed during prescribed fire,  
 21               as identified by the Secretaries, shall be  
 22               entitled to be paid the appropriate dif-  
 23               ferential under subsection (d) of section  
 24               5545 of title 5, United States Code, as if

1           such employee was covered by such sub-  
2           section.

3           (ii) ~~REGULATIONS.~~—The Director of  
4           the Office of Personnel Management may  
5           prescribe regulations to carry out this sub-  
6           paragraph.

7           (C) ~~OTHER BENEFITS.~~—The Secretaries  
8           shall implement measures to promote retention  
9           among Federal wildland firefighters of any clas-  
10          sification series carrying out work related to  
11          wildland fire and prescribed fire, such as portal-  
12          to-portal pay, quarterly bonuses, or other bene-  
13          fits.

14          (D) ~~INCENTIVE PAYMENTS FOR FUELS AS-~~  
15          ~~SIGNMENTS.~~—To attract and retain a skilled  
16          fuels workforce, the Secretaries shall implement  
17          pay incentives that account for and offset the  
18          more competitive pay options offered through  
19          wildfire suppression assignments, including  
20          such options as bonus pay, per diem payments,  
21          or grading-up fuels positions.

22          (4) ~~DEDICATED PRESCRIBED FIRE TASK~~  
23          ~~FORCES.~~—

24          (A) ~~IN GENERAL.~~—The Secretaries shall—



(i) not later than 180 days after the date of enactment of this Act, establish at least 1 multiparty task force of Federal employees and non-Federal entities within each Geographic Area Coordination Center to plan, lead, and support prescribed fire across ownership boundaries that are priorities at the landscape, region, State, or Federal level; and

(ii) support each task force established under clause (i) by assigning a dedicated Federal employee—

(I) to aid necessary administrative functions relating to partnership agreements; and

(II) to coordinate prescribed fire across ownership boundaries.

~~(B) TERM OF EMPLOYMENT FOR FEDERAL TASK FORCE MEMBERS.—~~Federal employees assigned under subparagraph (A) may be hired as permanent, full-time employees using direct hiring authority by the Secretaries.

~~(C) COOPERATIVE AGREEMENTS.—~~The Secretaries may enter into 1 or more cooperative agreements to carry out this paragraph.

1           ~~(5) CONVERSION OF SEASONAL FIREFIGHTERS~~  
 2           ~~TO PERMANENT EMPLOYEES.—~~The Secretaries may  
 3           ~~noncompetitively convert a Federal seasonal em-~~  
 4           ~~ployee to a Federal permanent employee if—~~

5                   ~~(A) the listed job duties of the employee~~  
 6                   ~~include wildland firefighting;~~

7                   ~~(B) the employee received a rating of at~~  
 8                   ~~least “Fully Successful” in each of the perform-~~  
 9                   ~~ance appraisals of the employee for the 5 most~~  
 10                  ~~recent seasons of Federal employment of the~~  
 11                  ~~employee; and~~

12                  ~~(C) the job duties and performance stand-~~  
 13                  ~~ards of the position into which the permanent~~  
 14                  ~~employee converts emphasize implementing pre-~~  
 15                  ~~scribed fires.~~

16           ~~(6) EMPLOYMENT OF FORMERLY INCARCER-~~  
 17           ~~ATED INDIVIDUALS.—~~

18                   ~~(A) IN GENERAL.—~~The Secretaries, in  
 19                   ~~consultation with the Attorney General and~~  
 20                   ~~State departments of corrections, shall seek to~~  
 21                   ~~provide career pathways, training, and wrap-~~  
 22                   ~~around support services, including through~~  
 23                   ~~partnerships with the Corps Network, to indi-~~  
 24                   ~~viduals described in subparagraph (B) to work~~  
 25                   ~~as prescribed fire practitioners.~~

(B) INDIVIDUALS DESCRIBED.—An individual referred to in subparagraph (A) is an individual that—

(i) has been convicted in any court of a criminal offense, other than arson, and was sentenced to a term of imprisonment for that offense; and

(ii) during the term of imprisonment described in clause (i), served on a wildland firefighting crew or received other comparable training.

(7) UNDERREPRESENTED EMPLOYEES.—To further address the gender disparity in wildland firefighting, the Secretaries shall support the development and participation of women and nonbinary individuals pursuant to Executive Order 13988 (42 U.S.C. 2000e note; relating to preventing and combating discrimination on the basis of gender identity or sexual orientation) in leadership opportunities, mentorship networks, and training in prescribed fire, including the Fire Leadership for Women course and Women-In-Fire Training Exchange and other related opportunities—

(A) to develop strong leaders;

1           ~~(B)~~ to increase the number of women over-  
 2           seeing prescribed fires; and

3           ~~(C)~~ to enhance the longevity and success of  
 4           women in wildland fire management.

5           ~~(8) VETERANS CREWS.—~~

6           ~~(A) IN GENERAL.—~~The Secretaries, in  
 7           consultation with the Secretary of Veterans Af-  
 8           fairs, shall seek—

9                     ~~(i)~~ to provide a career pathway to in-  
 10                    dividuals described in subparagraph ~~(B)~~ to  
 11                    work as prescribed fire practitioners; and

12                   ~~(ii)~~ to establish crews composed pre-  
 13                    dominantly of veterans to conduct pre-  
 14                    scribed fires.

15           ~~(B) INDIVIDUALS DESCRIBED.—~~An indi-  
 16           vidual referred to in subparagraph ~~(A)~~ is an in-  
 17           dividual who—

18                    ~~(i)~~ served in the active military, naval,  
 19                    or air service; and

20                    ~~(ii)~~ was discharged or released under  
 21                    conditions other than dishonorable.

22           ~~(9) INTER-TRIBAL ORGANIZATIONS.—~~The Sec-  
 23           retaries may provide funding to Tribal, Indigenous-  
 24           led, and inter-Tribal organizations, including the

1 Intertribal Timber Council, to provide training and  
 2 workforce development opportunities in wildland fire.

3 ~~(b) ADDITIONAL TRAINING CENTERS.—~~Subject to  
 4 the availability of appropriations, not later than 2 years  
 5 after the date of enactment of this Act, the Secretary, in  
 6 cooperation with the Secretary of Agriculture (and the  
 7 Secretary of Defense in the case of a center located on  
 8 a military installation), shall—

9 (1) establish, operate, and facilitate a pre-  
 10 scribed fire training program or center in each Geo-  
 11 graphic Area Coordination Center region where such  
 12 a program or center does not exist on the date of  
 13 enactment of this Act;

14 (2) support the establishment of an Indigenous-  
 15 led prescribed fire and cultural burning training cen-  
 16 ter operated by an Indian Tribe or partnership of  
 17 Indian Tribes;

18 ~~(3) establish a virtual prescribed fire training~~  
 19 ~~center; and~~

20 (4) establish and operate a training center for  
 21 managing wildfire for resource objectives.

22 ~~(c) COMPETENCIES FOR FIREFIGHTERS.—~~

23 (1) ~~UPDATES TO REQUIRED COMPETENCIES~~  
 24 ~~FOR SPECIFIC FIREFIGHTER POSITIONS.—~~The Sec-  
 25 retaries, in coordination with the Fire Executive

1 Council, the National Association of State Foresters,  
 2 and the Intertribal Timber Council, shall task the  
 3 National Wildfire Coordinating Group to add a re-  
 4 quirement for an individual to obtain the necessary  
 5 certification to serve in—

6 (A) the position of a single-resource boss;

7 and

8 (B) any other positions determined to be  
 9 necessary by the Secretaries.

10 (2) ~~ADDITIONAL EXPERIENCE.~~—The Secre-  
 11 taries shall require significant additional experience,  
 12 gained exclusively during a prescribed fire, to obtain  
 13 a certification described in paragraph (1).

14 (d) ~~INDEMNITY OF FEDERAL AND TRIBAL EMPLOY-~~  
 15 ~~EES.~~—Except in the case of gross negligence, a Federal  
 16 employee, an employee contracted by an Indian Tribe, or  
 17 an Indian Tribe as a contracting entity, acting pursuant  
 18 to a contract under the Indian Self-Determination Act (25  
 19 U.S.C. 5321 et seq.) overseeing a prescribed fire, if that  
 20 prescribed fire escaped or caused loss or damage—

21 (1) shall not be subject to criminal prosecution;

22 and

23 (2) shall not be subject to civil proceedings, ex-  
 24 cept in accordance with section 2672 of title 28,  
 25 United States Code.

1       (e) INDEMNITY OF OTHER COOPERATORS.—Except  
 2 in the case of gross negligence, an individual or entity in-  
 3 volved in a prescribed fire on Federal land or under Fed-  
 4 eral authority, if that prescribed fire escaped or caused  
 5 loss or damage—

6           (1) shall not be subject to criminal prosecution;  
 7 and

8           (2) shall not be subject to civil proceedings, ex-  
 9 cept in accordance with section 2672 of title 28,  
 10 United States Code.

11       (f) INDEMNITY FOR PRESCRIBED FIRES.—Except in  
 12 the case of gross negligence, an individual or entity in-  
 13 volved in a prescribed fire on any land, if that prescribed  
 14 fire escaped, caused harm or damage, or required suppres-  
 15 sion resources—

16           (1) shall not be liable for or subject to recovery  
 17 of Federal fire suppression costs and costs of inves-  
 18 tigation incurred by Federal agencies; and

19           (2) shall not be liable for monetary damages for  
 20 loss or damage to any natural resource or timber  
 21 values on Federal land.

22       (g) ENHANCING INTEROPERABILITY BETWEEN FED-  
 23 ERAL AND NON-FEDERAL PRACTITIONERS.—

24           (1) QUALIFICATION DATABASES AND DISPATCH  
 25 SYSTEMS.—The Secretaries shall establish a collabo-

1        rative process to create mechanisms for non-Federal-  
 2        agency fire practitioners, including those without ju-  
 3        risdictional authority, to be included in wildfire re-  
 4        source ordering and reimbursement processes.

5            (2) PARTNERSHIP AGREEMENTS.—The Secre-  
 6        taries shall—

7            (A) develop partnership agreements for  
 8        prescribed fire with all relevant State, Federal,  
 9        Tribal, university, and nongovernmental entities  
 10       that choose to be included in resource ordering  
 11       and reimbursement processes under paragraph  
 12       (1);

13          (B) create agreements and structures nec-  
 14       essary to include non-Federal-agency and other  
 15       nontraditional partners in direct work with  
 16       Federal agencies to address prescribed fires;  
 17       and

18          (C) treat any prescribed fire practitioner  
 19       meeting the National Wildfire Coordinating  
 20       Group standards as eligible to be included in  
 21       statewide participating agreements.

22   **SEC. 203. LIABILITY OF CERTIFIED PRESCRIBED FIRE MAN-**  
 23   **AGERS.**

24          (a) DEFINITION OF COVERED LAW.—In this section,  
 25   the term “covered law” means a State law that establishes



1 the standard of care in a civil suit against a certified pre-  
 2 scribed fire manager for an escaped prescribed fire to be  
 3 “gross negligence”; if the certified prescribed fire man-  
 4 ager—

5 (1) obtained a permit for the prescribed fire;

6 (2) conducted the prescribed fire consistent  
 7 with a written prescribed fire plan;

8 (3) was at the site of the prescribed fire for the  
 9 duration of the prescribed fire;

10 (4) ensured adequate personnel, equipment, and  
 11 firebreaks were in place during the prescribed fire;  
 12 in accordance with the written prescribed fire plan;  
 13 and

14 (5) complied with any applicable Federal, Trib-  
 15 al, State, and local laws.

16 (b) MEMORANDUM OF AGREEMENT.—Subject to the  
 17 availability of appropriations, in accordance with rec-  
 18 ommendation A3C of the special report of the Western  
 19 Governors’ National Forest and Rangeland Management  
 20 Initiative, dated June 2017, the Secretary may enter into  
 21 a memorandum of agreement with the National Gov-  
 22 ernors’ Association to host a conference, at which gov-  
 23 ernors can meet to discuss the benefits of addressing li-  
 24 ability protection and possible incentives for States to  
 25 enact a covered law.

1       (c) ~~FUNDING.~~—The Secretary may provide not more  
 2 than \$1,000,000 under the memorandum of agreement  
 3 under subsection (b).

4 **SEC. 204. PRESCRIBED FIRE CLAIMS FUND STUDY.**

5       (a) ~~COMMISSIONING OF STUDY.~~—Not later than 1  
 6 year after the date of enactment of this Act, the Secre-  
 7 taries, in coordination with the Director of the Office of  
 8 Management and Budget, shall complete a study of the  
 9 feasibility, design, and effectiveness of a national pre-  
 10 scribed fire claims fund (or similar mechanism) to increase  
 11 the pace and scale of prescribed fire across all lands by  
 12 multiple users and for multiple objectives.

13       (b) ~~ELEMENTS.~~—The study required under sub-  
 14 section (a) shall include an analysis of the following:

15           (1) The feasibility at the national level of a  
 16 claims fund or other mechanism to supplement, re-  
 17 place, or backstop private insurance for prescribed  
 18 fire and adverse smoke impacts.

19           (2) The design and administration of such a  
 20 fund.

21           (3) The effectiveness of a national claims fund  
 22 or other mechanism to supplement, replace, or back-  
 23 stop private market insurance for non-Federal or  
 24 State government prescribed fire practitioners.

1           (4) The eligibility requirements for submission  
 2           of claims to such a fund with an emphasis on equity  
 3           and inclusivity of all types of prescribed fire practi-  
 4           tioners and methods of practice.

5           (5)(A) The role and influence of State liability  
 6           laws on prescribed fire practitioner liability;

7           (B) the impact of State liability laws on the  
 8           availability and affordability of insurance for pre-  
 9           scribed fire; and

10          (C) how States may be incentivized to enact  
 11          laws clearly establishing and reducing practitioner li-  
 12          ability for civil suits and suppression and investiga-  
 13          tion cost recovery.

14   **SEC. 205. ENVIRONMENTAL REVIEW.**

15    (a) SMOKE MANAGEMENT AGENCIES.—

16          (1) POLICY.—The Secretaries shall ensure that  
 17          policies, training, and programs of the Secretaries  
 18          are consistent with this subsection—

19               (A) to facilitate greater use of prescribed  
 20               fire; and

21               (B) to address public health and safety, in-  
 22               cluding impacts from smoke from wildfires and  
 23               prescribed fires.

24          (2) EXPENDITURE OF FUNDS.—The Secretaries  
 25          may expend funding appropriated for hazardous fuel

1 reduction to mitigate the impacts of smoke from  
 2 prescribed fire.

3 ~~(3) COORDINATION AMONG FEDERAL, TRIBAL,~~  
 4 ~~AND STATE AIR QUALITY AGENCIES AND FEDERAL,~~  
 5 ~~TRIBAL, AND STATE LAND MANAGEMENT AGEN-~~  
 6 ~~CIES.—The Administrator of the Environmental~~  
 7 ~~Protection Agency, in cooperation with Federal and~~  
 8 ~~State land management agencies, shall coordinate~~  
 9 ~~with State, Tribal, and local air quality agencies~~  
 10 ~~that regulate smoke under the Clean Air Act (42~~  
 11 ~~U.S.C. 7401 et seq.) to facilitate the use of pre-~~  
 12 ~~scribed fire on Federal land and State, Tribal, and~~  
 13 ~~private land, including by—~~

14 ~~(A) streamlining the decisionmaking proc-~~  
 15 ~~ess for approving the use of prescribed fire~~  
 16 ~~under a State, Tribal, or local government~~  
 17 ~~smoke management program; and~~

18 ~~(B)(i) promoting basic smoke management~~  
 19 ~~practices;~~

20 ~~(ii) disseminating information about basic~~  
 21 ~~smoke management practices; and~~

22 ~~(iii) educating landowners that use pre-~~  
 23 ~~scribed fire about the importance of—~~

24 ~~(I) using basic smoke management~~  
 25 ~~practices; and~~

1                   (H) including basic smoke manage-  
 2                   ment practices as a component of a pre-  
 3                   scribed fire plan.

4           (4) EXCEPTIONAL EVENT DEMONSTRATIONS.—

5                   (A) REQUIREMENT TO SEEK EXCEPTIONAL  
 6                   EVENT DEMONSTRATION.—Subject to subpara-  
 7                   graph (C), the appropriate State or Tribal air  
 8                   quality agency shall develop and submit to the  
 9                   Administrator of the Environmental Protection  
 10                  Agency a demonstration in accordance with sec-  
 11                  tion 50.14 of title 40, Code of Federal Regula-  
 12                  tions (or successor regulations), if—

13                   (i) the Secretary, the Secretary of Ag-  
 14                   riculture, a State land management agen-  
 15                   cy, or an Indian Tribe conducts a pre-  
 16                   scribed fire on Federal land, Tribally  
 17                   owned fee land, or State land, as applica-  
 18                   ble, in accordance with a State or Tribal  
 19                   smoke management program that incor-  
 20                   porates basic smoke management prac-  
 21                   tices; and

22                   (ii) the prescribed fire described in  
 23                   clause (i) contributes to an exceedance or  
 24                   other violation of a national ambient air  
 25                   quality standard under section 109 of the

1 Clean Air Act (42 U.S.C. 7409), as meas-  
 2 ured using a Federal reference monitor or  
 3 an equivalent method.

4 (B) DEMONSTRATION ASSISTANCE.—For  
 5 an exceedance or other violation described in  
 6 clause (ii) of subparagraph (A), the Secretary  
 7 or Secretary of Agriculture, with the concur-  
 8 rence of the State or Tribal air quality agency,  
 9 shall assist with the development of the dem-  
 10 onstration under that subparagraph.

11 (C) SAVINGS PROVISION.—Subparagraph  
 12 (A) shall not apply if the exceedance or other  
 13 violation described in clause (ii) of that sub-  
 14 paragraph is the result of—

15 (i) a violation of a smoke management  
 16 program;

17 (ii) a failure to use basic smoke man-  
 18 agement practices; or

19 (iii) a violation of permit conditions  
 20 relating to the protection of air quality and  
 21 public health.

22 (5) EXEMPTION FOR LARGE PRESCRIBED  
 23 FIRES.—

24 (A) FEDERAL LAND MANAGEMENT AGENCY  
 25 EXEMPTION.—Consistent with subsection (b) of

section 118 of the Clean Air Act (42 U.S.C. 7418), a prescribed fire conducted on Federal land by the Secretary or the Secretary of Agriculture that burns more than 1,000 acres per day shall be deemed to be in the paramount interest of the United States and shall be exempt from requirements with respect to the control of pollution from Federal facilities under that Act (42 U.S.C. 7401 et seq.) if the Secretary or the Secretary of Agriculture determines that the prescribed fire—

(i) will be conducted in an area where the terrain or fuel load makes the area inaccessible or unsafe for firefighting personnel;

(ii) is necessary to reduce hazardous fuels;

(iii) will be conducted to minimize smoke impacts on populated areas through the use of basic smoke management practices; and

(iv) will be conducted under a smoke management program, if applicable.

(B) STATE EXEMPTION.—If the Secretary concerned conducts a prescribed fire that is

1       deemed to be in the paramount interest of the  
2       United States under subparagraph (A) on Fed-  
3       eral land, a prescribed fire conducted by a State  
4       land management agency on State or private  
5       land that is contiguous to that Federal land  
6       shall be exempt from any applicable national  
7       ambient air quality standards under section 109  
8       of the Clean Air Act (42 U.S.C. 7409).

9       ~~(C) TRIBAL EXEMPTION.~~—Consistent with  
10      subsection (b) of section 118 of the Clean Air  
11      Act (42 U.S.C. 7418), a prescribed fire con-  
12      ducted on Tribal land by, or in accordance with  
13      an agreement with, an Indian Tribe that burns  
14      more than 1,000 acres per day shall be deemed  
15      to be in the paramount interest of the United  
16      States and shall be exempt from requirements  
17      with respect to the control of pollution from  
18      Federal facilities under that Act (42 U.S.C.  
19      7401 et seq.) if the Indian Tribe determines  
20      that the prescribed fire—

21           (i) will be conducted in an area where  
22           the terrain or fuel load makes the area in-  
23           accessible or unsafe for firefighting per-  
24           sonnel;



1           (ii) is necessary to reduce hazardous  
2           fuels;

3           (iii) will be conducted to minimize  
4           smoke impacts on populated areas through  
5           the use of basic smoke management prac-  
6           tices; and

7           (iv) will be conducted under a smoke  
8           management program, if applicable.

9           (D) SAVINGS PROVISION.—Consistent with  
10          section 118(b) of the Clean Air Act (42 U.S.C.  
11          7418(b))—

12          (i) an exemption granted under this  
13          paragraph shall apply to the applicable en-  
14          tity for a period of not more than 1 year;  
15          and

16          (ii) on a new determination of the  
17          Secretary, the Secretary of Agriculture, or  
18          an Indian Tribe under subparagraph (A)  
19          or (C), as applicable, additional exemptions  
20          under this paragraph may be granted for  
21          subsequent periods after the expiration of  
22          the exemption described in clause (i), each  
23          of which shall apply for a period of not  
24          more than 1 year.

25          (6) STATE AND TRIBAL STANDARDS.—

1           (A) APPROVAL OF STATE OR TRIBAL  
2 STANDARDS.—Notwithstanding section 110 of  
3 the Clean Air Act (42 U.S.C. 7410), when ap-  
4 proving a State or Tribal implementation plan  
5 under that section, the Administrator of the  
6 Environmental Protection Agency may not ap-  
7 prove any standards with respect to—

8           (i) preventing nuisance impacts that  
9 result from prescribed fires that incor-  
10 porate basic smoke management practices;  
11 or

12           (ii) criteria pollutants that result from  
13 prescribed fires that are more stringent  
14 than what is required to meet the national  
15 ambient air quality standards for those  
16 pollutants under section 109 of that Act  
17 (42 U.S.C. 7409), as measured using a  
18 Federal reference monitor or an equivalent  
19 method.

20           (B) STATE AND TRIBAL ENFORCEMENT.—  
21 A State or an Indian Tribe may not enforce  
22 standards in a State or Tribal implementation  
23 plan that was approved under the Clean Air Act  
24 (42 U.S.C. 7401 et seq.) before the date of en-  
25 actment of this Act with respect to—

1                   (i) preventing nuisance impacts that  
 2                   result from prescribed fires that incor-  
 3                   porate basic smoke management practices;  
 4                   or

5                   (ii) criteria pollutants that result from  
 6                   prescribed fires that are more stringent  
 7                   than what is required to meet the national  
 8                   ambient air quality standards for those  
 9                   pollutants under section 109 of that Act  
 10                  (42 U.S.C. 7409), as measured using a  
 11                  Federal reference monitor or an equivalent  
 12                  method.

13                (C) AMENDMENT TO ANTI-BACKSLIDING  
 14                PROVISION.—If a State or Tribal implementa-  
 15                tion plan under section 110 of the Clean Air  
 16                Act (42 U.S.C. 7410) is revised to include a  
 17                smoke management program for prescribed  
 18                fires in that implementation plan, subsection (1)  
 19                of that section shall not apply with respect to  
 20                that revision.

21                (7) EVALUATION.—The Secretary or the Sec-  
 22                retary of Agriculture, as applicable, shall conduct an  
 23                evaluation to facilitate learning new approaches for  
 24                predicting and preventing exceedances during subse-

1       quent prescribed fires if the Secretary or the Sec-  
 2       retary of Agriculture—

3               (A) conducts a prescribed fire on Federal  
 4       land—

5                       (i) for which a demonstration is devel-  
 6                       oped and submitted under paragraph  
 7                       (4)(A); or

8                       (ii) that is subject to an exemption  
 9                       under paragraph (5)(A); and

10               (B) the prescribed fire described in sub-  
 11               paragraph (A) contributes to an exceedance of  
 12               a national ambient air quality standard under  
 13               section 109 of the Clean Air Act (42 U.S.C.  
 14               7409).

15       (8) PROGRAMS AND RESEARCH.—To address  
 16       the public health and safety risk of the expanded use  
 17       of prescribed fire under this Act, the Secretary of  
 18       Agriculture and the Secretary, in coordination with  
 19       the Administrator of the Environmental Protection  
 20       Agency and the Director of the Centers for Disease  
 21       Control and Prevention, shall conduct research to  
 22       improve or develop—

23               (A) wildland fire smoke prediction models;

24               (B) smoke impact display tools for the  
 25       public and decisionmakers;

1           (C) appropriate, cost-effective, and con-  
 2           sistent mitigation strategies for communities  
 3           impacted adversely by smoke from prescribed  
 4           fire;

5           (D) consistent nationally and scientifically  
 6           supported messages regarding personal protec-  
 7           tion equipment for the public; and

8           (E) prescribed fire activity tracking and  
 9           emission inventory systems for planning and  
 10          post-treatment accountability.

11          (b) DEVELOPMENT OF LANDSCAPE-SCALE FEDERAL  
 12          PRESCRIBED FIRE PLANS.—

13           (1) DEFINITION OF SECRETARY CONCERNED.—

14          In this subsection, the term “Secretary concerned”  
 15          means—

16           (A) the Secretary of Agriculture, with re-  
 17           spect to a unit of the National Forest System;  
 18           and

19           (B) the Secretary, with respect to a Bu-  
 20           reau of Land Management district.

21           (2) INCLUSION OF LANDSCAPE-SCALE PRE-  
 22           SCRIBED FIRE PLANS.—The Secretary concerned  
 23           shall, with respect to units of the National Forest  
 24           System and Bureau of Land Management districts  
 25           with existing prescribed fire programs—

(A) not later than 1 year after the date of enactment of this Act, determine which of those units or districts have landscape-scale prescribed fire plans; and

(B) not later than 2 years after the date of enactment of this Act—

(i) determine whether each plan described in subparagraph (A) requires revision;

(ii) establish a schedule for the revision of each plan described in subparagraph (A) that requires revision; and

(iii) develop landscape-scale prescribed fire plans for any units or districts that do not have landscape-scale fire plans.

(3) ENVIRONMENTAL COMPLIANCE.—In carrying out paragraph (2), the Secretary concerned shall—

(A) comply with—

(i) the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.);

(ii) the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(iii) division A of subtitle III of title 54, United States Code; and

1 (iv) any other applicable laws; and

2 (B) consider the site-specific environmental  
3 consequences of the landscape-scale prescribed  
4 fire decisions under this subsection.

5 (4) COLLABORATIVE DEVELOPMENT.—In ear-  
6 rying out paragraph (2), the Secretary concerned  
7 shall collaborate with diverse actors from academia;  
8 the Forest Service and Bureau of Land Management  
9 research and development, nongovernmental organi-  
10 zations, cultural fire practitioners, and other enti-  
11 ties, as determined appropriate by the Secretary  
12 concerned.

13 (5) CONSULTATION WITH INDIAN TRIBES.—The  
14 Secretary concerned shall engage in government-to-  
15 government consultation with Indian Tribes in com-  
16 plying with this subsection.

17 (6) REPORTS.—Not later than 1 year after the  
18 date of enactment of this Act, and annually there-  
19 after, the Secretary concerned shall submit to Con-  
20 gress a report on the progress of the Secretary con-  
21 cerned with respect to carrying out this subsection.

22 **SEC. 206. PRESCRIBED FIRE EDUCATION PROGRAM.**

23 (a) IN GENERAL.—The Secretary of Agriculture, act-  
24 ing through the Chief of the Forest Service, and the Sec-  
25 retary, acting through the Director of the Office of

1 Wildland Fire, shall carry out a national prescribed fire  
 2 education program focused on fire ecology and prescribed  
 3 fire planning and implementation.

4 (b) PROGRAM ELEMENTS.—A prescribed fire edu-  
 5 cation program authorized under subsection (a) may in-  
 6 clude—

7 (1) public service advertisements;

8 (2) the use of social media;

9 (3) campaign and educational activities and ma-  
 10 terials;

11 (4) commercial licensing;

12 (5) character images and appearances; and

13 (6) awards and recognition.

## 14 **TITLE III—REPORTING**

### 15 **SEC. 301. ANNUAL REPORTS TO THE NATIONAL FIRE PLAN-** 16 **NING AND OPERATIONS DATABASE.**

17 (a) PURPOSE.—The purpose of this section is to en-  
 18 sure an accurate reporting of annual prescribed fire ac-  
 19 complishments in the United States.

20 (b) COST-SHARE.—Subject to the availability of ap-  
 21 propriations, the Secretary may provide financial assist-  
 22 ance to States to pay a portion of the costs associated  
 23 with annually reporting prescribed fire accomplishments.

24 (c) ELIGIBILITY FOR FUNDS.—If, by December 31  
 25 of each year, a State has not reported to the National Fire



1 Planning and Operations Database, at a minimum, the  
 2 number of acres mitigated using prescribed fire in the  
 3 State, the State shall not be eligible to receive any  
 4 amounts made available under this Act for the previous  
 5 fiscal year.

6 **SEC. 302. ANNUAL IMPLEMENTATION REPORT.**

7 Not later than 1 year after the date of enactment  
 8 of this Act, and annually thereafter, the Secretaries shall  
 9 each submit to Congress a report on the activities carried  
 10 out under this Act.

11 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

12 (a) *SHORT TITLE.*—This Act may be cited as the “Na-  
 13 tional Prescribed Fire Act of 2024”.

14 (b) *TABLE OF CONTENTS.*—The table of contents for  
 15 this Act is as follows:

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

**TITLE I—USE OF FUNDS**

*Sec. 101. Definition of prescribed fire.*

*Sec. 102. Prescribed fire funding.*

*Sec. 103. Policies and practices.*

*Sec. 104. Collaborative Prescribed Fire Program.*

**TITLE II—FACILITATING IMPLEMENTATION AND OUTREACH**

*Sec. 201. Cooperative agreements and contracts.*

*Sec. 202. Human resources.*

*Sec. 203. Liability of prescribed fire managers.*

*Sec. 204. Prescribed fire claims fund study.*

*Sec. 205. Environmental review.*

*Sec. 206. Prescribed fire education program.*

**TITLE III—REPORTING**

*Sec. 301. Annual reports to the National Fire Planning and Operations Data-  
 base.*

*Sec. 302. Annual implementation report.*

1 **SEC. 2. DEFINITIONS.**

2 *In this Act:*

3 (1) CONGRESSIONAL COMMITTEES.—The term  
4 “congressional committees” means—

5 (A) the Committee on Energy and Natural  
6 Resources, the Committee on Agriculture, Nutri-  
7 tion, and Forestry, and the Committee on Ap-  
8 propriations of the Senate; and

9 (B) the Committee on Natural Resources,  
10 the Committee on Agriculture, and the Com-  
11 mittee on Appropriations of the House of Rep-  
12 resentatives.

13 (2) FEDERAL LAND.—The term “Federal land”  
14 means—

15 (A) land under the jurisdiction of the Sec-  
16 retary; and

17 (B) National Forest System land.

18 (3) LANDSCAPE-SCALE PRESCRIBED FIRE  
19 PLAN.—The term “landscape-scale prescribed fire  
20 plan” means a decision document prepared pursuant  
21 to the National Environmental Policy Act of 1969 (42  
22 U.S.C. 4321 et seq.) that—

23 (A) covers a unit of the National Forest  
24 System, a Bureau of Land Management district,  
25 or a subunit thereof;

1           (B) analyzes the site-specific environmental  
2 consequences of prescribed fire on the land de-  
3 scribed in subparagraph (A); and

4           (C) obviates the need for subsequent deci-  
5 sions pursuant to the National Environmental  
6 Policy Act of 1969 (42 U.S.C. 4321 et seq.) with  
7 respect to the unit, district, or subunit described  
8 in subparagraph (A).

9       (4) NATIONAL FOREST SYSTEM.—

10           (A) IN GENERAL.—The term “National For-  
11 est System” has the meaning given the term in  
12 section 11(a) of the Forest and Rangeland Re-  
13 newable Resources Planning Act of 1974 (16  
14 U.S.C. 1609(a)).

15           (B) EXCLUSION.—The term “National For-  
16 est System” does not include the national grass-  
17 lands and land utilization projects administered  
18 under title III of the Bankhead-Jones Farm Ten-  
19 ant Act (7 U.S.C. 1010 et seq.).

20       (5) PRESCRIBED FIRE.—The term “prescribed  
21 fire” means a fire deliberately ignited to burn  
22 wildland fuels in a natural or modified state—

23           (A) under specified environmental condi-  
24 tions that are intended to allow the fire to be  
25 confined to a predetermined area and produce

1           *the fireline intensity and rate of spread required*  
 2           *to attain planned resource management objec-*  
 3           *tives; and*

4                   *(B) in accordance with applicable law, in-*  
 5           *cluding applicable regulations.*

6           (6) *SECRETARIES.—The term “Secretaries”*  
 7           *means—*

8                   *(A) the Secretary; and*

9                   *(B) the Secretary of Agriculture.*

10           (7) *SECRETARY.—The term “Secretary” means*  
 11           *the Secretary of the Interior.*

12           (8) *SECRETARY CONCERNED.—The term “Sec-*  
 13           *retary concerned” means—*

14                   *(A) the Secretary, in the case of land under*  
 15           *the jurisdiction of the Secretary; and*

16                   *(B) the Secretary of Agriculture, in the case*  
 17           *of land under the jurisdiction of the Secretary of*  
 18           *Agriculture.*

## 19           ***TITLE I—USE OF FUNDS***

### 20           ***SEC. 101. DEFINITION OF PRESCRIBED FIRE.***

21           (a) *IN GENERAL.—In this title, the term “prescribed*  
 22           *fire” has the meaning given the term in section 2.*

23           (b) *EXCLUSION.—In this title, the term “prescribed*  
 24           *fire” does not include a fire that is ignited for the primary*  
 25           *purpose of pile burning.*

1 **SEC. 102. PRESCRIBED FIRE FUNDING.**

2 (a) *FUNDING FLEXIBILITY.*—

3 (1) *DEPARTMENT OF AGRICULTURE.*—*The Sec-*  
 4 *retary of Agriculture may use not more than 15 per-*  
 5 *cent of funds appropriated for each fiscal year for*  
 6 *hazardous fuels management in the National Forest*  
 7 *System for activities described in subsection (b).*

8 (2) *DEPARTMENT OF THE INTERIOR.*—*The Sec-*  
 9 *retary may use not more than 15 percent of funds ap-*  
 10 *propriated for each fiscal year for hazardous fuels*  
 11 *management and post-fire activities in the account*  
 12 *for wildland fire management of the Department of*  
 13 *the Interior for activities described in subsection (b).*

14 (b) *ELIGIBLE ACTIVITIES.*—*The activities referred to*  
 15 *in subsection (a) are—*

16 (1) *with respect to prescribed fires on Federal*  
 17 *land, or on non-Federal land if the Secretary con-*  
 18 *cerned determines that such activities would benefit*  
 19 *resources on Federal land—*

20 (A) *entering into procurement contracts or*  
 21 *cooperative agreements for prescribed fire activi-*  
 22 *ties;*

23 (B) *issuing grants to a State, Tribal gov-*  
 24 *ernment, local government, prescribed fire coun-*  
 25 *cil, prescribed burn association, or nonprofit or-*

1            *ganization for the implementation of prescribed*  
2            *fires, including—*

3                    *(i) carrying out necessary environ-*  
4                    *mental reviews;*

5                    *(ii) carrying out any site preparation*  
6                    *necessary for implementing prescribed fires;*  
7                    *and*

8                    *(iii) conducting any required pre-igni-*  
9                    *tion cultural and environmental surveys;*  
10                   *and*

11                   *(C) conducting outreach to the public, In-*  
12                   *dian Tribes and beneficiaries, and adjacent*  
13                   *landowners;*

14                   *(2) implementing prescribed fires on non-Federal*  
15                   *land, if the Secretary concerned determines that the*  
16                   *prescribed fire would benefit Federal land, includ-*  
17                   *ing—*

18                    *(A) carrying out necessary environmental*  
19                    *reviews;*

20                    *(B) carrying out any site preparation nec-*  
21                    *essary for implementing prescribed fires; and*

22                    *(C) conducting any required pre-ignition*  
23                    *cultural and environmental surveys;*

1           (3) *providing training for prescribed fire and*  
 2           *basic smoke management practices to Federal employ-*  
 3           *ees and cooperators;*

4           (4) *conducting post-prescribed fire activities,*  
 5           *such as monitoring for hazard trees or reignitions*  
 6           *and invasive species management;*

7           (5) *providing technical or financial assistance to*  
 8           *a State, Tribal government, local government, pre-*  
 9           *scribed fire council, prescribed burn association, or*  
 10          *nonprofit organization for the purpose of providing*  
 11          *training for prescribed fire or basic smoke manage-*  
 12          *ment practices, consistent with any standards devel-*  
 13          *oped by the National Wildfire Coordinating Group or*  
 14          *State prescribed fire standards;*

15          (6) *completing the prescribed fire claims fund*  
 16          *study under section 204; and*

17          (7) *providing funding for the applicable Collabo-*  
 18          *rative Prescribed Fire Program established under sec-*  
 19          *tion 104.*

20          (c) *PRIORITIZATION.—*

21               (1) *IN GENERAL.—Subject to paragraph (2), the*  
 22               *Secretary concerned shall coordinate with the other*  
 23               *Secretary concerned, State and local government*  
 24               *agencies, Indian Tribes, and applicable nongovern-*  
 25               *mental organizations to establish prioritization cri-*

1        *teria for expending amounts pursuant to subsection*  
 2        *(a) for activities described in paragraphs (2), (5), (6),*  
 3        *and (7) of subsection (b).*

4            (2) *REQUIREMENT.—In establishing criteria*  
 5        *under paragraph (1), the Secretary concerned shall*  
 6        *give priority to a project that is—*

7                    (A) *implemented across a large contiguous*  
 8        *area;*

9                    (B) *cross-boundary in nature;*

10                  (C) *in an area that is—*

11                          (i) *within or adjacent to the wildland-*  
 12        *urban interface and identified as a priority*  
 13        *area in a statewide forest action plan or*  
 14        *Community Wildfire Protection Plan; or*

15                          (ii) *identified as important to the pro-*  
 16        *tection of a Tribal trust resource or the re-*  
 17        *served or treaty rights of an Indian Tribe;*

18                    (D) *on land that is at high or very high*  
 19        *risk of experiencing a wildfire that would be dif-*  
 20        *ficult to suppress;*

21                    (E) *in an area that is designated as critical*  
 22        *habitat and in need of ecological restoration or*  
 23        *enhancement that can be achieved with the aid*  
 24        *of prescribed fire; or*



1                   (F) supportive of potential operational de-  
 2                   lineations or strategic response zones.

3   **SEC. 103. POLICIES AND PRACTICES.**

4           (a) *INCREASING PRESCRIBED FIRE.*—Beginning with  
 5   the first fiscal year that begins after the date of enactment  
 6   of this Act, and for each of the 9 fiscal years thereafter,  
 7   the Secretaries shall conduct prescribed fires on Federal  
 8   land such that the total acreage of Federal land on which  
 9   prescribed fires are conducted is 10 percent greater than  
 10   the total acreage of all Federal land on which prescribed  
 11   fires were conducted in the preceding fiscal year.

12          (b) *OPERATIONAL STRATEGY.*—The Secretary con-  
 13   cerned shall develop, in coordination with State, local, and  
 14   Tribal governments, a prescribed fire operational strategy  
 15   for each region of the National Forest System or the Depart-  
 16   ment of the Interior, as applicable, that describes—

17               (1) the fire deficit by region; and

18               (2) staffing and funding needs to address the fire  
 19   deficit under paragraph (1).

20   **SEC. 104. COLLABORATIVE PRESCRIBED FIRE PROGRAM.**

21          (a) *IN GENERAL.*—The Secretary concerned, in coordi-  
 22   nation with the other Secretary concerned, shall establish  
 23   a Collaborative Prescribed Fire Program (referred to in this  
 24   section as a “program”) to select and fund prescribed fire

1 *projects (each of which is referred to in this section as a*  
 2 *“project”) in accordance with—*

3 *(1) the prioritization criteria established under*  
 4 *section 102(c);*

5 *(2) the Endangered Species Act of 1973 (16*  
 6 *U.S.C. 1531 et seq.);*

7 *(3) the National Environmental Policy Act of*  
 8 *1969 (42 U.S.C. 4321 et seq.);*

9 *(4) the applicable land use or land management*  
 10 *plan; and*

11 *(5) any other applicable law.*

12 *(b) ELIGIBILITY CRITERIA.—To be eligible for nomi-*  
 13 *nation under subsection (c), a proposal for a project shall—*

14 *(1) be consistent with a landscape restoration*  
 15 *strategy—*

16 *(A) that is complete or substantially com-*  
 17 *plete;*

18 *(B) that identifies and prioritizes pre-*  
 19 *scribed fire treatments for a 10-year period with-*  
 20 *in a landscape that is—*

21 *(i) at least 50,000 acres;*

22 *(ii) composed primarily of forested*  
 23 *Federal land under the jurisdiction of the*  
 24 *Secretary concerned, but may also include*  
 25 *other Federal, State, Tribal, or private*

1                   *land, if a treatment on that land would*  
 2                   *benefit the applicable Federal land;*

3                   *(iii) in need of—*

4                   *(I) active ecosystem restoration; or*

5                   *(II) maintenance activities to re-*  
 6                   *tain previously treated land in a wild-*  
 7                   *fire-resilient state;*

8                   *(C) that incorporates the best available*  
 9                   *science and scientific application tools to iden-*  
 10                  *tify project areas;*

11                  *(D) that fully maintains, or contributes to-*  
 12                  *ward the restoration of, the structure and com-*  
 13                  *position of old growth stands according to the*  
 14                  *pre-fire suppression old growth conditions char-*  
 15                  *acteristic of the forest type—*

16                  *(i) taking into account the contribu-*  
 17                  *tion of the stand to landscape fire adapta-*  
 18                  *tion and watershed health; and*

19                  *(ii) retaining the large trees contrib-*  
 20                  *uting to old growth structure;*

21                  *(E) under which would be carried out any*  
 22                  *forest restoration treatments that reduce haz-*  
 23                  *ardous fuels through the use of fire for ecological*  
 24                  *restoration and maintenance and reestablishing*  
 25                  *natural fire regimes, where appropriate, which—*

1                   (i) may include site preparation, if  
 2                   necessary to prepare the landscape for rees-  
 3                   tablishment of a natural fire regime; and

4                   (ii) shall maximize the retention of  
 5                   large trees, as appropriate for the forest  
 6                   type, to the extent that the trees promote  
 7                   fire-resilient stands; and

8                   (F) under which—

9                   (i) no permanent roads would be estab-  
 10                  lished; and

11                  (ii) funding would be committed to de-  
 12                  commission all temporary roads constructed  
 13                  to carry out the strategy;

14                  (2) be developed and implemented through a col-  
 15                  laborative process that—

16                  (A) includes multiple interested persons rep-  
 17                  resenting diverse interests; and

18                  (B) is transparent and nonexclusive;

19                  (3) describe plans, as applicable—

20                  (A) to reduce the risk of uncharacteristic  
 21                  wildfire;

22                  (B) to improve fish and wildlife habitat, in-  
 23                  cluding for endangered, threatened, and sensitive  
 24                  species;

1           (C) to maintain or improve water quality  
2           and watershed function;

3           (D) to prevent, remediate, or control inva-  
4           sions of exotic species;

5           (E) to maintain, decommission, and reha-  
6           bilitate roads and trails;

7           (F) to report annually on performance, in-  
8           cluding setting accomplishment targets for each  
9           year;

10          (G) to take into account any applicable  
11          community wildfire protection plan; and

12          (H) to mitigate smoke impacts on nearby  
13          communities;

14          (4) include an analysis of any anticipated cost  
15          savings, including savings resulting from—

16               (A) a reduced risk of wildfire damages, es-  
17               pecially to high-value resources; and

18               (B) a decrease in the unit costs of imple-  
19               menting ecological restoration treatments over  
20               time;

21          (5) include estimates of—

22               (A) the amount of annual Federal funding  
23               necessary to implement the proposed project; and

1                   (B) the amount of new non-Federal invest-  
2                   ment for carrying out the proposed project that  
3                   would be leveraged;

4                   (6) describe the collaborative process described in  
5                   paragraph (2) through which the proposal was devel-  
6                   oped, including a description of—

7                   (A) participation by or consultation with  
8                   State, local, and Tribal governments; and

9                   (B) any established record of successful col-  
10                  laborative planning and implementation of pre-  
11                  scribed fire projects on National Forest System  
12                  land and other land included in the proposal by  
13                  the collaborators;

14                 (7) propose to benefit local economies by pro-  
15                 viding local employment or training opportunities  
16                 through contracts, grants, or agreements for planning,  
17                 design, implementation, or monitoring with—

18                 (A) local private, nonprofit, or cooperative  
19                 entities;

20                 (B) Youth Conservation Corps crews or re-  
21                 lated partnerships with State, local, and non-  
22                 profit youth groups;

23                 (C) existing or proposed small or micro-  
24                 businesses, clusters, or incubators; or

1           (D) *other entities that will hire or train*  
 2           *local individuals to complete those contracts,*  
 3           *grants, or agreements; and*

4           (8) *be subject to any other requirements that the*  
 5           *Secretary concerned determines to be necessary for the*  
 6           *efficient and effective administration of the program.*

7           (c) *NOMINATION PROCESS.—*

8           (1) *SUBMISSION.—A proposal for a project shall*  
 9           *be submitted to the appropriate Regional Forester,*  
 10           *State Director, or other similar official.*

11           (2) *NOMINATION.—*

12           (A) *IN GENERAL.—An official described in*  
 13           *paragraph (1) may nominate for selection by the*  
 14           *Secretary concerned any proposals received by*  
 15           *the official under that paragraph that meet the*  
 16           *eligibility criteria described in subsection (b).*

17           (B) *CONCURRENCE.—In the case of a pro-*  
 18           *posal for a project that involves activities on the*  
 19           *land of both of the Secretaries concerned, a nom-*  
 20           *ination under subparagraph (A) shall include*  
 21           *the concurrence of the appropriate official for the*  
 22           *applicable land that is not under the jurisdiction*  
 23           *of the official nominating the proposal.*

24           (3) *OTHER LAND.—In the case of a proposal for*  
 25           *a project that involves activities on land that is not*

1        *under the jurisdiction of either of the Secretaries con-*  
 2        *cerned, a nomination under subparagraph (A) shall*  
 3        *include evidence that the landowner intends to par-*  
 4        *ticipate in, and provide appropriate funding to carry*  
 5        *out, the activities.*

6        *(d) SELECTION PROCESS.—*

7            *(1) IN GENERAL.—The Secretary concerned, in*  
 8        *consultation with the other Secretary concerned, shall*  
 9        *select for implementation proposals for projects—*

10            *(A) that have been nominated under sub-*  
 11            *section (c)(2);*

12            *(B) that meet the eligibility criteria de-*  
 13            *scribed in subsection (b); and*

14            *(C) in accordance with the prioritization*  
 15            *criteria established under section 102(c).*

16            *(2) CRITERIA.—In selecting proposals under*  
 17        *paragraph (1), the Secretary concerned shall give spe-*  
 18        *cial consideration to—*

19            *(A) the strength of the proposal, including*  
 20            *the landscape restoration strategy described in*  
 21            *subsection (b)(1) of the proposal;*

22            *(B) the strength of the ecological case of the*  
 23            *proposal and the proposed ecological restoration*  
 24            *strategies under the proposal;*



1           (C) the strength of the collaborative process  
 2           described in subsection (b)(2) through which the  
 3           proposal was developed and the likelihood of suc-  
 4           cessful collaboration throughout implementation;

5           (D) the extent to which the proposal is like-  
 6           ly to achieve reductions in long-term wildfire  
 7           risk and increased protection of high-value re-  
 8           sources;

9           (E) the extent to which an appropriate level  
 10          of non-Federal investment would be leveraged in  
 11          carrying out the proposed project; and

12          (F) ensuring geographic diversity of projects  
 13          implemented under this section.

14          (3) *LIMITATION.*—The Secretary concerned may  
 15          select not more than—

16               (A) 20 proposals under paragraph (1) to be  
 17               funded during any fiscal year; and

18               (B) the number of proposals under para-  
 19               graph (1) that the Secretary concerned deter-  
 20               mines are likely to receive adequate funding.

21          (e) *REPORTING.*—

22               (1) *PROJECT REPORTING.*—A recipient of finan-  
 23               cial assistance to carry out a project under the pro-  
 24               gram shall annually submit to the Secretary con-  
 25               cerned a report summarizing, at a minimum—

1           (A) the number of acres of land treated with  
2           prescribed fire by the recipient under the pro-  
3           gram; and

4           (B) the amount of Federal and non-Federal  
5           funds used by the recipient under the program.

6           (2) *PROGRAM REPORT.*—Not later than 5 years  
7           after the first fiscal year in which funding is made  
8           available to carry out projects under the program,  
9           and every 5 years thereafter, the Secretary concerned  
10          shall submit to the congressional committees a report  
11          on the program, including an assessment of whether,  
12          and to what extent, the program is fulfilling the pur-  
13          poses of this section.

14          (f) *LIMITATIONS.*—

15               (1) *TOTAL FUNDING.*—The Secretary concerned  
16               shall not provide more than \$20,000,000 in total  
17               funding for projects under the program in any fiscal  
18               year.

19               (2) *PROJECT SIZE LIMITATION.*—The Secretary  
20               concerned shall not provide more than \$1,000,000 for  
21               any 1 project under the program in any fiscal year.

22               (3) *PROJECT SUNSET.*—The Secretary concerned  
23               shall not provide funding for a project under the pro-  
24               gram for a period of more than 10 fiscal years.

1           (4) *PROJECT CANCELLATION.*—*The Secretary*  
 2           *concerned shall cease funding any project under the*  
 3           *program that, for 3 consecutive years, fails to meet*  
 4           *the annual accomplishment targets set under sub-*  
 5           *section (b)(3)(F).*

6           (g) *FUNDING.*—*Of the amounts made available under*  
 7           *section 102(a), the Secretary concerned may use to carry*  
 8           *out this section not more than \$10,000,000 for each of fiscal*  
 9           *years 2025 through 2034.*

## 10   ***TITLE II—FACILITATING IMPLE-*** 11   ***MENTATION AND OUTREACH***

### 12   ***SEC. 201. COOPERATIVE AGREEMENTS AND CONTRACTS.***

13           (a) *DEFINITION OF ELIGIBLE ENTITY.*—*In this sec-*  
 14           *tion, the term “eligible entity” means—*

- 15                   (1) *a State;*
- 16                   (2) *an Indian Tribe;*
- 17                   (3) *a county or municipal government;*
- 18                   (4) *a fire district;*
- 19                   (5) *a nongovernmental organization; and*
- 20                   (6) *a private entity.*

21           (b) *AUTHORIZATION.*—*The Secretary concerned may*  
 22           *enter into a cooperative agreement or contract with an eli-*  
 23           *gible entity to authorize the eligible entity to coordinate,*  
 24           *plan, or conduct a prescribed fire on Federal land in ac-*

1 *cordance with other applicable laws, regulations, and land*  
 2 *management plans.*

3       (c) *SUBCONTRACTS.—The Secretary concerned may*  
 4 *authorize a State, an Indian Tribe, or a county that enters*  
 5 *into a cooperative agreement or contract under subsection*  
 6 *(b) to enter into a subcontract to conduct a prescribed fire*  
 7 *on Federal land pursuant to that cooperative agreement or*  
 8 *contract, subject to any other terms and conditions that the*  
 9 *Secretary concerned determines to be appropriate.*

10       (d) *LONG-TERM CONTRACTS.—A cooperative agree-*  
 11 *ment or contract with an eligible entity under subsection*  
 12 *(b) may authorize the eligible entity to conduct a series of*  
 13 *prescribed fires on Federal land for a period of not longer*  
 14 *than 10 years.*

15 **SEC. 202. HUMAN RESOURCES.**

16       (a) *PRESCRIBED FIRE WORKFORCE.—*

17               (1) *INCREASING WORKFORCE RETENTION.—*

18                       (A) *HAZARD PAY.—*

19                               (i) *IN GENERAL.—Each Federal em-*  
 20 *ployee in any classification series, as identi-*  
 21 *fied by the Secretaries, shall be entitled to*  
 22 *be paid the appropriate differential under*  
 23 *subsection (d) of section 5545 of title 5,*  
 24 *United States Code, as if such employee was*  
 25 *covered by such subsection, when such em-*

1            *ployee carries out work directly related to*  
 2            *the ignition, management, and control of a*  
 3            *prescribed fire.*

4            *(ii) REGULATIONS.—The Director of*  
 5            *the Office of Personnel Management shall*  
 6            *prescribe regulations to carry out this sub-*  
 7            *paragraph.*

8            *(B) INCENTIVE PAYMENTS FOR FUELS AS-*  
 9            *SIGNMENTS.—The Secretaries shall submit to the*  
 10           *congressional committees a joint report describ-*  
 11           *ing mechanisms to attract and retain a skilled*  
 12           *fuels workforce, including pay incentives that*  
 13           *would account for and offset the more competi-*  
 14           *tive pay options offered through wildfire suppres-*  
 15           *sion assignments.*

16           *(2) DEDICATED PRESCRIBED FIRE TASK*  
 17           *FORCES.—*

18           *(A) IN GENERAL.—The Secretaries shall—*

19           *(i) not later than 180 days after the*  
 20           *date of enactment of this Act, establish at*  
 21           *least 1 multiparty task force of Federal em-*  
 22           *ployees and non-Federal entities within*  
 23           *each Geographic Area Coordination Center*  
 24           *to plan, lead, and support prescribed fire*  
 25           *across ownership boundaries that are prior-*

ities at the landscape, region, State, or Federal level; and

(ii) support each task force established under clause (i) by assigning a dedicated Federal employee—

(I) to aid necessary administrative functions relating to partnership agreements; and

(II) to coordinate prescribed fire across ownership boundaries.

(B) COOPERATIVE AGREEMENTS.—The Secretaries may enter into 1 or more cooperative agreements to carry out this paragraph.

(3) CONVERSION OF SEASONAL FIREFIGHTERS TO PERMANENT EMPLOYEES.—The Secretaries may non-competitively convert a Federal seasonal employee to a Federal permanent employee if—

(A) the listed job duties of the employee include wildland firefighting;

(B) the employee received a rating of at least “Fully Successful” in each of the performance appraisals of the employee for the 3 most recent seasons of Federal employment of the employee; and

1           (C) *the job duties and performance stand-*  
 2           *ards of the position into which the permanent*  
 3           *employee converts emphasize implementing pre-*  
 4           *scribed fires.*

5           (4) *EMPLOYMENT OF FORMERLY INCARCERATED*  
 6           *INDIVIDUALS.—*

7           (A) *IN GENERAL.—The Secretaries, in con-*  
 8           *sultation with the Attorney General and State*  
 9           *departments of corrections, shall seek to provide*  
 10           *career pathways, training, and wraparound sup-*  
 11           *port services, including through partnerships*  
 12           *with the Corps Network, to individuals described*  
 13           *in subparagraph (B) to work as prescribed fire*  
 14           *practitioners.*

15           (B) *INDIVIDUALS DESCRIBED.—An indi-*  
 16           *vidual referred to in subparagraph (A) is an in-*  
 17           *dividual that—*

18                   (i) *has been convicted in any court of*  
 19                   *a criminal offense, other than arson or a*  
 20                   *violent crime (as defined by the Secretaries,*  
 21                   *in consultation with the Attorney General*  
 22                   *and State departments of corrections), and*  
 23                   *was sentenced to a term of imprisonment*  
 24                   *for that offense; and*

1                   (ii) during the term of imprisonment  
 2                   described in clause (i), served on a wildland  
 3                   firefighting crew or received other com-  
 4                   parable training.

5           (5) UNDERREPRESENTED EMPLOYEES.—The  
 6           Secretaries shall support the development and partici-  
 7           pation of underrepresented groups, as determined by  
 8           the Secretaries, in the wildland fire workforce, includ-  
 9           ing by fostering leadership opportunities, mentorship  
 10          networks, and training.

11          (6) VETERANS CREWS.—

12               (A) IN GENERAL.—The Secretaries, in con-  
 13               sultation with the Secretary of Veterans Affairs,  
 14               shall seek—

15                   (i) to provide a career pathway to in-  
 16                   dividuals described in subparagraph (B) to  
 17                   work as prescribed fire practitioners; and

18                   (ii) to establish crews composed pre-  
 19                   dominantly of veterans to conduct pre-  
 20                   scribed fires.

21               (B) INDIVIDUALS DESCRIBED.—An indi-  
 22               vidual referred to in subparagraph (A) is an in-  
 23               dividual who—

24                   (i) served in the active military, naval,  
 25                   or air service; and



1                   (ii) was discharged or released under  
2                   conditions other than dishonorable.

3           (b) *ADDITIONAL TRAINING CENTERS.*—Subject to the  
4 availability of appropriations, not later than 2 years after  
5 the date of enactment of this Act, the Secretary, in coopera-  
6 tion with the Secretary of Agriculture (and the Secretary  
7 of Defense in the case of a center located on a military in-  
8 stallation), shall—

9                   (1) establish, operate, and facilitate a prescribed  
10 fire training program or center that offers training in  
11 prescribed fire within each Geographic Area Coordi-  
12 nation Center region where such a program or center  
13 does not exist on the date of enactment of this Act;  
14 and

15                   (2) support the establishment of an Indigenous-  
16 led prescribed fire and cultural burning training cen-  
17 ter operated by an Indian Tribe or partnership of In-  
18 dian Tribes.

19           (c) *COMPETENCIES FOR FIREFIGHTERS.*—The Secre-  
20 taries, in coordination with the Fire Executive Council,  
21 shall task the National Wildfire Coordinating Group with  
22 the duty to adjust training requirements to obtain a certifi-  
23 cation to serve in a supervisory role for a prescribed fire  
24 and any other positions determined to be necessary by the  
25 Secretaries—

1           (1) *in order to reduce the time required to obtain*  
 2       *such a certification; and*

3           (2) *such that significant experience, gained ex-*  
 4       *clusively during a prescribed fire, is required to ob-*  
 5       *tain such a certification.*

6       (d) *ENHANCING INTEROPERABILITY BETWEEN FED-*  
 7       *ERAL AND NON-FEDERAL PRACTITIONERS.—*

8           (1) *QUALIFICATION DATABASES AND DISPATCH*  
 9       *SYSTEMS.—The Secretaries shall establish a collabo-*  
 10      *rative process to create mechanisms for non-Federal-*  
 11      *agency fire practitioners to be included in prescribed*  
 12      *fire and wildfire resource ordering and reimburse-*  
 13      *ment processes.*

14          (2) *PARTNERSHIP AGREEMENTS.—The Secre-*  
 15      *taries shall—*

16           (A) *develop partnership agreements for pre-*  
 17      *scribed fire with all relevant State, Federal,*  
 18      *Tribal, university, and nongovernmental entities*  
 19      *that choose to be included in resource ordering*  
 20      *and reimbursement processes under paragraph*  
 21      *(1);*

22           (B) *create agreements and structures nec-*  
 23      *essary to include non-Federal-agency and other*  
 24      *nontraditional partners in direct work with Fed-*  
 25      *eral agencies to address prescribed fires; and*

1           (C) treat any prescribed fire practitioner  
 2           meeting the National Wildfire Coordinating  
 3           Group standards as eligible to be included in  
 4           statewide participating agreements.

5 **SEC. 203. LIABILITY OF PRESCRIBED FIRE MANAGERS.**

6           (a) *DEFINITIONS.*—In this section:

7           (1) *COVERED ACTIVITY.*—The term “covered ac-  
 8           tivity” means an activity carried out on Federal land  
 9           directly related to a wildland fire, prescribed fire, or  
 10          prescribed fire with cultural objectives in the course of  
 11          executing a Federal action.

12          (2) *COVERED ENTITY.*—The term “covered enti-  
 13          ty” means a non-Federal entity engaged in a covered  
 14          activity, if that non-Federal entity is acting—

15               (A) under the direct supervision of a Fed-  
 16               eral employee; and

17               (B) within the scope of a contract or agree-  
 18               ment in carrying out that covered activity.

19          (3) *COVERED LAW.*—The term “covered law”  
 20          means a State law that establishes the standard of  
 21          care in a civil suit against a certified prescribed fire  
 22          manager for an escaped prescribed fire to be “gross  
 23          negligence”, if the certified prescribed fire manager—

24               (A) obtained a permit for the prescribed  
 25               fire;

1           (B) conducted the prescribed fire consistent  
2           with a written prescribed fire plan;

3           (C) was at the site of the prescribed fire for  
4           the duration of the prescribed fire;

5           (D) ensured adequate personnel, equipment,  
6           and firebreaks were in place during the pre-  
7           scribed fire, in accordance with the written pre-  
8           scribed fire plan; and

9           (E) complied with any applicable Federal,  
10          Tribal, State, and local laws.

11       (b) *MEMORANDUM OF AGREEMENT.*—

12           (1) *IN GENERAL.*—Subject to the availability of  
13           appropriations, the Secretary may enter into a  
14           memorandum of agreement with the National Gov-  
15           ernors' Association to host a conference, at which gov-  
16           ernors can meet to discuss the benefits of addressing  
17           liability protection and possible incentives for States  
18           to enact a covered law.

19           (2) *FUNDING.*—The Secretary may provide not  
20           more than \$1,000,000 under the memorandum of  
21           agreement under paragraph (1).

22       (c) *INDEMNITY OF FEDERAL AND TRIBAL EMPLOY-*  
23       *EES.*—The Secretaries, in coordination with the Attorney  
24       General, shall develop a voluntary training course for em-  
25       ployees involved in covered activities describing—

1           (1) *liability protections afforded to those employ-*  
 2           *ees when acting within the scope of their employment;*

3           (2) *the limits on any liability protections under*  
 4           *paragraph (1); and*

5           (3) *reimbursements available for qualified em-*  
 6           *ployees for professional liability insurance under sec-*  
 7           *tion 636 of division A of Public Law 104–208 (5*  
 8           *U.S.C. prec. 5941 note).*

9           (d) *INDEMNITY OF OTHER COOPERATORS.—*

10           (1) *IN GENERAL.—Beginning on the date of en-*  
 11           *actment of this Act, a covered entity shall be consid-*  
 12           *ered an employee of the Federal Government for pur-*  
 13           *poses of chapter 171 of title 28, United States Code*  
 14           *(commonly known as the “Federal Tort Claims Act”),*  
 15           *while that covered entity is engaged in covered activi-*  
 16           *ties.*

17           (2) *GUIDANCE.—Not later than 1 year after the*  
 18           *date of enactment of this Act, the Secretaries, in con-*  
 19           *sultation with the Attorney General, shall issue guid-*  
 20           *ance on the necessary provisions and implementation*  
 21           *requirements for contracts or agreements that would*  
 22           *extend liability protections to covered entities under*  
 23           *paragraph (1).*

24           (3) *REIMBURSEMENT.—Beginning in the first*  
 25           *fiscal year that begins after the date of enactment of*

1        *this Act, the Secretaries shall request, through annual*  
 2        *appropriations, funds sufficient to reimburse the*  
 3        *Treasury for any claims paid in the prior fiscal year*  
 4        *pursuant to paragraph (1).*

5        *(e) EFFECT.—Nothing in this section shall be con-*  
 6        *strued to limit or otherwise affect—*

7                *(1) the application of any statutory or judicial*  
 8        *immunity to Federal employees;*

9                *(2) the application of the chapter 171 of title 28,*  
 10        *United States Code (commonly known as the “Federal*  
 11        *Tort Claims Act”) to Federal employees; or*

12                *(3) the application of section 314 of Public Law*  
 13        *101–512 (25 U.S.C. 5321 note).*

14        **SEC. 204. PRESCRIBED FIRE CLAIMS FUND STUDY.**

15        *(a) COMMISSIONING OF STUDY.—Not later than 1 year*  
 16        *after the date of enactment of this Act, the Secretaries, in*  
 17        *coordination with the Director of the Office of Management*  
 18        *and Budget, shall complete a study of the feasibility, design,*  
 19        *and effectiveness of a national prescribed fire claims fund*  
 20        *(or similar mechanism) to increase the pace and scale of*  
 21        *prescribed fire across all lands by multiple users and for*  
 22        *multiple objectives.*

23        *(b) ELEMENTS.—The study required under subsection*  
 24        *(a) shall include an analysis of the following:*

1           (1) *The feasibility at the national level of a*  
 2           *claims fund or other mechanism to supplement, re-*  
 3           *place, or backstop private insurance for prescribed*  
 4           *fire and adverse smoke impacts.*

5           (2) *The design and administration of such a*  
 6           *fund.*

7           (3) *The effectiveness of a national claims fund or*  
 8           *other mechanism to supplement, replace, or backstop*  
 9           *private market insurance for non-Federal or State*  
 10          *government prescribed fire practitioners.*

11          (4) *The eligibility requirements for submission of*  
 12          *claims to such a fund with an emphasis on equity*  
 13          *and inclusivity of all types of prescribed fire practi-*  
 14          *tioners and methods of practice.*

15          (5)(A) *The role and influence of State liability*  
 16          *laws on prescribed fire practitioner liability;*

17          (B) *the impact of State liability laws on the*  
 18          *availability and affordability of insurance for pre-*  
 19          *scribed fire; and*

20          (C) *how States may be incentivized to enact laws*  
 21          *clearly establishing and reducing practitioner liabil-*  
 22          *ity for civil suits and suppression and investigation*  
 23          *cost recovery.*

24 **SEC. 205. ENVIRONMENTAL REVIEW.**

25          (a) *SMOKE MANAGEMENT AGENCIES.—*

1           (1) *POLICY.—The Secretaries shall ensure that*  
 2           *policies, training, and programs of the Secretaries are*  
 3           *consistent with this subsection—*

4                   (A) *to facilitate greater use of prescribed*  
 5                   *fire; and*

6                   (B) *to address public health and safety, in-*  
 7                   *cluding impacts from smoke from wildfires and*  
 8                   *prescribed fires.*

9           (2) *COORDINATION AMONG FEDERAL, TRIBAL,*  
 10           *AND STATE AIR QUALITY AGENCIES AND FEDERAL,*  
 11           *TRIBAL, AND STATE LAND MANAGEMENT AGENCIES.—*  
 12           *To facilitate the use of prescribed fire on Federal,*  
 13           *State, Tribal, and private land, the Administrator of*  
 14           *the Environmental Protection Agency, in cooperation*  
 15           *with Federal and State land management agencies,*  
 16           *shall coordinate with State, Tribal, and local air*  
 17           *quality agencies that regulate smoke under the Clean*  
 18           *Air Act (42 U.S.C. 7401 et seq.)—*

19                   (A) *to the maximum extent practicable, to*  
 20                   *provide State, Tribal, and local air quality*  
 21                   *agencies with guidance, data, imagery, or mod-*  
 22                   *eling to support the development of exceptional*  
 23                   *event demonstrations in accordance with sections*  
 24                   *50.14 and 51.930 of title 40, Code of Federal*  
 25                   *Regulations (or successor regulations);*



1           (B) to develop archives and automated tools  
2           to provide State, Tribal, and local air quality  
3           agencies with the data, imagery, and modeling  
4           under subparagraph (A);

5           (C) to develop decision support tools for  
6           State, Tribal, and local air quality agencies to  
7           assist in determining whether an exceptional  
8           event demonstration, if the Administrator of the  
9           Environmental Protection Agency concurs with  
10          such demonstration, would have regulatory sig-  
11          nificance;

12          (D) to provide technical assistance, best  
13          practices, or templates to States, Indian Tribes,  
14          and local governments for the use of the State,  
15          Indian Tribe, or local government in approving  
16          the use of prescribed fire under a State, Tribal,  
17          or local government smoke management pro-  
18          gram;

19          (E)(i) to promote basic smoke management  
20          practices and other best practices to protect the  
21          public from wildland fire smoke;

22          (ii) to disseminate information about basic  
23          smoke management practices;

24          (iii) to educate landowners that use pre-  
25          scribed fire about the importance of—

1                   (I) *using basic smoke management*  
 2                   *practices; and*

3                   (II) *including basic smoke manage-*  
 4                   *ment practices as a component of a pre-*  
 5                   *scribed fire plan; and*

6                   (iv) *to share information with the public, in*  
 7                   *coordination with other public health agencies,*  
 8                   *about measures that individuals can take to pro-*  
 9                   *tect themselves from wildland fire smoke; and*

10                  (F) *to develop guidance and tools to stream-*  
 11                  *line the demonstration of a clear causal relation-*  
 12                  *ship between prescribed fire smoke and a related*  
 13                  *exceedance of a national ambient air quality*  
 14                  *standard.*

15                  (3) *EXCEPTIONAL EVENT DEMONSTRATIONS.—*

16                  (A) *IN GENERAL.—The appropriate State*  
 17                  *or Tribal air quality agency (including any*  
 18                  *local air quality agency delegated authority by a*  
 19                  *State) may develop and submit to the Adminis-*  
 20                  *trator of the Environmental Protection Agency*  
 21                  *an exceptional event demonstration in accord-*  
 22                  *ance with sections 50.14 and 51.930 of title 40,*  
 23                  *Code of Federal Regulations (or successor regula-*  
 24                  *tions), for a prescribed fire.*

1           (B) *APPROVAL.*—*The Administrator of the*  
2           *Environmental Protection Agency shall concur*  
3           *with an exceptional event demonstration sub-*  
4           *mitted under subparagraph (A) in accordance*  
5           *with the requirements of sections 50.14 and*  
6           *51.930 of title 40, Code of Federal Regulations*  
7           *(or successor regulations), including that the ap-*  
8           *plicable prescribed fire was not reasonably con-*  
9           *trollable or preventable and that the applicable*  
10          *prescribed fire was a human activity unlikely to*  
11          *recur, if the State or Tribal air quality agency*  
12          *demonstrates in that exceptional event dem-*  
13          *onstration that, at a minimum, the applicable*  
14          *prescribed fire was—*

15               (i) *conducted in accordance with a*  
16               *State or Tribal smoke management program*  
17               *or basic smoke management practices; and*

18               (ii) *consistent with a land or resource*  
19               *management plan with a stated objective to*  
20               *establish, restore, or maintain a sustainable*  
21               *and resilient ecosystem.*

22           (C) *DEMONSTRATION ASSISTANCE FOR FED-*  
23           *ERAL LAND.*—*For any prescribed fire conducted*  
24           *on Federal land, the Secretary concerned—*

1                   (i) shall assist with the development of  
 2                   an exceptional event demonstration under  
 3                   subparagraph (A) on request of a State or  
 4                   Tribal air quality agency; and

5                   (ii) may develop and submit an excep-  
 6                   tional event demonstration under subpara-  
 7                   graph (A) with the concurrence of the appli-  
 8                   cable State or Tribal air quality agency.

9                   (4) *PROGRAMS AND RESEARCH.*—To address the  
 10                  public health and safety risk of the expanded use of  
 11                  prescribed fire under this Act, the Secretaries, in co-  
 12                  ordination with the Administrator of the Environ-  
 13                  mental Protection Agency and the Director of the  
 14                  Centers for Disease Control and Prevention, shall con-  
 15                  duct research to improve or develop—

16                 (A) wildland fire smoke prediction models;

17                 (B) smoke impact display tools for the pub-  
 18                 lic and decisionmakers;

19                 (C) appropriate, cost-effective, and con-  
 20                 sistent strategies to mitigate the impacts of  
 21                 smoke from prescribed fire on nearby commu-  
 22                 nities;

23                 (D) consistent nationally and scientifically  
 24                 supported messages regarding personal protec-  
 25                 tion equipment for the public; and

1                   (E) prescribed fire activity tracking and  
 2                   emission inventory systems for planning and  
 3                   post-treatment accountability.

4           (b) *DEVELOPMENT OF LANDSCAPE-SCALE FEDERAL*  
 5 *PRESCRIBED FIRE PLANS.*—

6                   (1) *INCLUSION OF LANDSCAPE-SCALE PRE-*  
 7 *SCRIBED FIRE PLANS.*—*The Secretary concerned*  
 8 *shall, with respect to units of the National Forest Sys-*  
 9 *tem and Bureau of Land Management districts with*  
 10 *existing prescribed fire programs—*

11                   (A) *not later than 1 year after the date of*  
 12 *enactment of this Act, determine which of those*  
 13 *units or districts have landscape-scale prescribed*  
 14 *fire plans; and*

15                   (B) *not later than 2 years after the date of*  
 16 *enactment of this Act—*

17                   (i) *determine whether each plan de-*  
 18 *scribed in subparagraph (A) requires revi-*  
 19 *sion;*

20                   (ii) *establish a schedule for the revision*  
 21 *of each plan described in subparagraph (A)*  
 22 *that requires revision; and*

23                   (iii) *develop landscape-scale prescribed*  
 24 *fire plans for any units or districts that do*

1                   *not have landscape-scale prescribed fire*  
 2                   *plans.*

3                   (2) *ENVIRONMENTAL COMPLIANCE.—In carrying*  
 4                   *out paragraph (1), the Secretary concerned shall—*

5                   (A) *comply with—*

6                   (i) *the National Environmental Policy*  
 7                   *Act of 1969 (42 U.S.C. 4321 et seq.);*

8                   (ii) *the Endangered Species Act of*  
 9                   *1973 (16 U.S.C. 1531 et seq.);*

10                  (iii) *division A of subtitle III of title*  
 11                  *54, United States Code; and*

12                  (iv) *any other applicable laws; and*

13                  (B) *consider the site-specific environmental*  
 14                  *consequences of the landscape-scale prescribed*  
 15                  *fire decisions under this subsection.*

16                  (3) *COLLABORATIVE DEVELOPMENT.—In car-*  
 17                  *rying out paragraph (1), the Secretary concerned*  
 18                  *shall collaborate with diverse actors from academia,*  
 19                  *the Forest Service and Bureau of Land Management*  
 20                  *research and development, nongovernmental organiza-*  
 21                  *tions, cultural fire practitioners, and other entities, as*  
 22                  *determined appropriate by the Secretary concerned.*

23                  (4) *CONSULTATION WITH INDIAN TRIBES.—The*  
 24                  *Secretary concerned shall engage in government-to-*

1       *government consultation with Indian Tribes in com-*  
 2       *plying with this subsection.*

3           (5) *REPORTS.*—*Not later than 1 year after the*  
 4       *date of enactment of this Act, and annually there-*  
 5       *after, the Secretary concerned shall submit to Con-*  
 6       *gress a report on the progress of the Secretary con-*  
 7       *cerned with respect to carrying out this subsection.*

8       **SEC. 206. PRESCRIBED FIRE EDUCATION PROGRAM.**

9           (a) *IN GENERAL.*—*The Secretaries shall carry out a*  
 10       *national prescribed fire education program focused on fire*  
 11       *ecology and prescribed fire planning and implementation.*

12          (b) *PROGRAM ELEMENTS.*—*A prescribed fire education*  
 13       *program authorized under subsection (a) may include—*

14               (1) *public service advertisements;*

15               (2) *the use of social media;*

16               (3) *campaign and educational activities and*  
 17       *materials;*

18               (4) *commercial licensing;*

19               (5) *character images and appearances; and*

20               (6) *awards and recognition.*

# **TITLE III—REPORTING**

## **SEC. 301. ANNUAL REPORTS TO THE NATIONAL FIRE PLANNING AND OPERATIONS DATABASE.**

(a) *PURPOSE.*—The purpose of this section is to ensure an accurate reporting of annual prescribed fire accomplishments in the United States.

(b) *COST-SHARE.*—Subject to the availability of appropriations, the Secretary may provide financial assistance to States to pay a portion of the costs associated with annually reporting prescribed fire accomplishments.

(c) *ELIGIBILITY FOR FUNDS.*—If, by December 31 of each year, a State has not reported to the National Fire Planning and Operations Database (or a successor database), at a minimum, the number of acres on which uncharacteristic wildfire risk is effectively mitigated using prescribed fire in the State, the State shall not be eligible to receive any amounts made available under this Act for the previous fiscal year.

## **SEC. 302. ANNUAL IMPLEMENTATION REPORT.**

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretaries shall each submit to the congressional committees a report on the activities carried out under this Act.





Calendar No. 624

118TH CONGRESS  
2D Session  
**S. 4424**

**A BILL**

To direct the Secretary of the Interior and the Secretary of Agriculture to encourage and expand the use of prescribed fire on land managed by the Department of the Interior or the Forest Service, with an emphasis on units of the National Forest System in the western United States, to acknowledge and support the longstanding use of cultural burning by Tribes and Indigenous practitioners, and for other purposes.

NOVEMBER 21, 2024

Reported with an amendment