

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.**

**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.

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by \_\_\_\_\_

Viz:

- 1 Strike all after the enacting clause and insert the fol-
- 2 lowing:
- 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. Definitions.

## 2

## 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 Database.
- 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, Nu-  
7 trition, and Forestry, and the Committee on  
8 Appropriations 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

1 (B) National Forest System land.

2 (3) LANDSCAPE-SCALE PRESCRIBED FIRE  
3 PLAN.—The term “landscape-scale prescribed fire  
4 plan” means a decision document prepared pursuant  
5 to the National Environmental Policy Act of 1969  
6 (42 U.S.C. 4321 et seq.) that—

7 (A) covers a unit of the National Forest  
8 System, a Bureau of Land Management dis-  
9 trict, or a subunit thereof;

10 (B) analyzes the site-specific environmental  
11 consequences of prescribed fire on the land de-  
12 scribed in subparagraph (A); and

13 (C) obviates the need for subsequent deci-  
14 sions pursuant to the National Environmental  
15 Policy Act of 1969 (42 U.S.C. 4321 et seq.)  
16 with respect to the unit, district, or subunit de-  
17 scribed in subparagraph (A).

18 (4) NATIONAL FOREST SYSTEM.—

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

24 (B) EXCLUSION.—The term “National  
25 Forest System” does not include the national

1 grasslands and land utilization projects admin-  
2 istered under title III of the Bankhead-Jones  
3 Farm Tenant Act (7 U.S.C. 1010 et seq.).

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

7 (A) under specified environmental condi-  
8 tions that are intended to allow the fire to be  
9 confined to a predetermined area and produce  
10 the fireline intensity and rate of spread re-  
11 quired to attain planned resource management  
12 objectives; and

13 (B) in accordance with applicable law, in-  
14 cluding applicable regulations.

15 (6) SECRETARIES.—The term “Secretaries”  
16 means—

17 (A) the Secretary; and

18 (B) the Secretary of Agriculture.

19 (7) SECRETARY.—The term “Secretary” means  
20 the Secretary of the Interior.

21 (8) SECRETARY CONCERNED.—The term “Sec-  
22 retary concerned” means—

23 (A) the Secretary, in the case of land  
24 under the jurisdiction of the Secretary; and

1 (B) the Secretary of Agriculture, in the  
2 case of land under the jurisdiction of the Sec-  
3 retary of Agriculture.

## 4 **TITLE I—USE OF FUNDS**

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

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

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

### 11 **SEC. 102. PRESCRIBED FIRE FUNDING.**

12 (a) FUNDING FLEXIBILITY.—

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

18 (2) DEPARTMENT OF THE INTERIOR.—The  
19 Secretary may use not more than 15 percent of  
20 funds appropriated for each fiscal year for haz-  
21 ardous fuels management and post-fire activities in  
22 the account for wildland fire management of the De-  
23 partment of the Interior for activities described in  
24 subsection (b).

1 (b) ELIGIBLE ACTIVITIES.—The activities referred to  
2 in subsection (a) are—

3 (1) with respect to prescribed fires on Federal  
4 land, or on non-Federal land if the Secretary con-  
5 cerned determines that such activities would benefit  
6 resources on Federal land—

7 (A) entering into procurement contracts or  
8 cooperative agreements for prescribed fire ac-  
9 tivities;

10 (B) issuing grants to a State, Tribal gov-  
11 ernment, local government, prescribed fire  
12 council, prescribed burn association, or non-  
13 profit organization for the implementation of  
14 prescribed fires, including—

15 (i) carrying out necessary environ-  
16 mental reviews;

17 (ii) carrying out any site preparation  
18 necessary for implementing prescribed  
19 fires; and

20 (iii) conducting any required pre-igni-  
21 tion cultural and environmental surveys;  
22 and

23 (C) conducting outreach to the public, In-  
24 dian Tribes and beneficiaries, and adjacent  
25 landowners;

1           (2) implementing prescribed fires on non-Fed-  
2           eral land, if the Secretary concerned determines that  
3           the prescribed fire would benefit Federal land, in-  
4           cluding—

5                   (A) carrying out necessary environmental  
6           reviews;

7                   (B) carrying out any site preparation nec-  
8           essary for implementing prescribed fires; and

9                   (C) conducting any required pre-ignition  
10          cultural and environmental surveys;

11          (3) providing training for prescribed fire and  
12          basic smoke management practices to Federal em-  
13          ployees and cooperators;

14          (4) conducting post-prescribed fire activities,  
15          such as monitoring for hazard trees or reignitions  
16          and invasive species management;

17          (5) providing technical or financial assistance to  
18          a State, Tribal government, local government, pre-  
19          scribed fire council, prescribed burn association, or  
20          nonprofit organization for the purpose of providing  
21          training for prescribed fire or basic smoke manage-  
22          ment practices, consistent with any standards devel-  
23          oped by the National Wildfire Coordinating Group  
24          or State prescribed fire standards;

1           (6) completing the prescribed fire claims fund  
2 study under section 204; and

3           (7) providing funding for the applicable Col-  
4 laborative Prescribed Fire Program established  
5 under section 104.

6           (c) PRIORITIZATION.—

7           (1) IN GENERAL.—Subject to paragraph (2),  
8 the Secretary concerned shall coordinate with the  
9 other Secretary concerned, State and local govern-  
10 ment agencies, Indian Tribes, and applicable non-  
11 governmental organizations to establish  
12 prioritization criteria for expending amounts pursu-  
13 ant to subsection (a) for activities described in para-  
14 graphs (2), (5), (6), and (7) of subsection (b).

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

18                   (A) implemented across a large contiguous  
19 area;

20                   (B) cross-boundary in nature;

21                   (C) in an area that is—

22                           (i) within or adjacent to the wildland-  
23 urban interface and identified as a priority  
24 area in a statewide forest action plan or  
25 Community Wildfire 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 land that is at high or very high  
5 risk of experiencing a wildfire that would be dif-  
6 ficult to 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 strategic response zones.

13 **SEC. 103. POLICIES AND PRACTICES.**

14 (a) INCREASING PRESCRIBED FIRE.—Beginning with  
15 the first fiscal year that begins after the date of enactment  
16 of this Act, and for each of the 9 fiscal years thereafter,  
17 the Secretaries shall conduct prescribed fires on Federal  
18 land such that the total acreage of Federal land on which  
19 prescribed fires are conducted is 10 percent greater than  
20 the total acreage of all Federal land on which prescribed  
21 fires were conducted in the preceding fiscal year.

22 (b) OPERATIONAL STRATEGY.—The Secretary con-  
23 cerned shall develop, in coordination with State, local, and  
24 Tribal governments, a prescribed fire operational strategy

1 for each region of the National Forest System or the De-  
2 partment of the Interior, as applicable, that describes—

3 (1) the fire deficit by region; and

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

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

7 (a) IN GENERAL.—The Secretary concerned, in co-  
8 ordination with the other Secretary concerned, shall estab-  
9 lish a Collaborative Prescribed Fire Program (referred to  
10 in this section as a “program”) to select and fund pre-  
11 scribed fire projects (each of which is referred to in this  
12 section as a “project”) in accordance with—

13 (1) the prioritization criteria established under  
14 section 102(c);

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

17 (3) the National Environmental Policy Act of  
18 1969 (42 U.S.C. 4321 et seq.);

19 (4) the applicable land use or land management  
20 plan; and

21 (5) any other applicable law.

22 (b) ELIGIBILITY CRITERIA.—To be eligible for nomi-  
23 nation under subsection (c), a proposal for a project  
24 shall—

1           (1) be consistent with a landscape restoration  
2 strategy—

3           (A) that is complete or substantially com-  
4 plete;

5           (B) that identifies and prioritizes pre-  
6 scribed fire treatments for a 10-year period  
7 within a landscape that is—

8           (i) at least 50,000 acres;

9           (ii) composed primarily of forested  
10 Federal land under the jurisdiction of the  
11 Secretary concerned, but may also include  
12 other Federal, State, Tribal, or private  
13 land, if a treatment on that land would  
14 benefit the applicable Federal land;

15           (iii) in need of—

16           (I) active ecosystem restoration;

17           or

18           (II) maintenance activities to re-  
19 tain previously treated land in a wild-  
20 fire-resilient state;

21           (C) that incorporates the best available  
22 science and scientific application tools to iden-  
23 tify project areas;

24           (D) that fully maintains, or contributes to-  
25 ward the restoration of, the structure and com-

1 position of old growth stands according to the  
2 pre-fire suppression old growth conditions char-  
3 acteristic of the forest type—

4 (i) taking into account the contribu-  
5 tion of the stand to landscape fire adapta-  
6 tion and watershed health; and

7 (ii) retaining the large trees contrib-  
8 uting to old growth structure;

9 (E) under which would be carried out any  
10 forest restoration treatments that reduce haz-  
11 ardous fuels through the use of fire for ecologi-  
12 cal restoration and maintenance and reestab-  
13 lishing natural fire regimes, where appropriate,  
14 which—

15 (i) may include site preparation, if  
16 necessary to prepare the landscape for re-  
17 establishment of a natural fire regime; and

18 (ii) shall maximize the retention of  
19 large trees, as appropriate for the forest  
20 type, to the extent that the trees promote  
21 fire-resilient stands; and

22 (F) under which—

23 (i) no permanent roads would be es-  
24 tablished; and

1 (ii) funding would be committed to de-  
2 commission all temporary roads con-  
3 structed to carry out the strategy;

4 (2) be developed and implemented through a  
5 collaborative process that—

6 (A) includes multiple interested persons  
7 representing diverse interests; and

8 (B) is transparent and nonexclusive;

9 (3) describe plans, as applicable—

10 (A) to reduce the risk of uncharacteristic  
11 wildfire;

12 (B) to improve fish and wildlife habitat, in-  
13 cluding for endangered, threatened, and sen-  
14 sitive species;

15 (C) to maintain or improve water quality  
16 and watershed function;

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

19 (E) to maintain, decommission, and reha-  
20 bilitate roads and trails;

21 (F) to report annually on performance, in-  
22 cluding setting accomplishment targets for each  
23 year;

24 (G) to take into account any applicable  
25 community wildfire protection plan; and

1 (H) to mitigate smoke impacts on nearby  
2 communities;

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

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

7 (B) a decrease in the unit costs of imple-  
8 menting ecological restoration treatments over  
9 time;

10 (5) include estimates of—

11 (A) the amount of annual Federal funding  
12 necessary to implement the proposed project;  
13 and

14 (B) the amount of new non-Federal invest-  
15 ment for carrying out the proposed project that  
16 would be leveraged;

17 (6) describe the collaborative process described  
18 in paragraph (2) through which the proposal was de-  
19 veloped, including a description of—

20 (A) participation by or consultation with  
21 State, local, and Tribal governments; and

22 (B) any established record of successful  
23 collaborative planning and implementation of  
24 prescribed fire projects on National Forest Sys-

1           tem land and other land included in the pro-  
2           posal by the collaborators;

3           (7) propose to benefit local economies by pro-  
4           viding local employment or training opportunities  
5           through contracts, grants, or agreements for plan-  
6           ning, design, implementation, or monitoring with—

7                   (A) local private, nonprofit, or cooperative  
8           entities;

9                   (B) Youth Conservation Corps crews or re-  
10          lated partnerships with State, local, and non-  
11          profit youth groups;

12                   (C) existing or proposed small or micro-  
13          businesses, clusters, or incubators; or

14                   (D) other entities that will hire or train  
15          local individuals to complete those contracts,  
16          grants, or agreements; and

17          (8) be subject to any other requirements that  
18          the Secretary concerned determines to be necessary  
19          for the efficient and effective administration of the  
20          program.

21          (c) NOMINATION PROCESS.—

22                  (1) SUBMISSION.—A proposal for a project  
23          shall be submitted to the appropriate Regional For-  
24          ester, State Director, or other similar official.

25                  (2) NOMINATION.—

1           (A) IN GENERAL.—An official described in  
2 paragraph (1) may nominate for selection by  
3 the Secretary concerned any proposals received  
4 by the official under that paragraph that meet  
5 the eligibility criteria described in subsection  
6 (b).

7           (B) CONCURRENCE.—In the case of a pro-  
8 posal for a project that involves activities on the  
9 land of both of the Secretaries concerned, a  
10 nomination under subparagraph (A) shall in-  
11 clude the concurrence of the appropriate official  
12 for the applicable land that is not under the ju-  
13 risdiction of the official nominating the pro-  
14 posal.

15          (3) OTHER LAND.—In the case of a proposal  
16 for a project that involves activities on land that is  
17 not under the jurisdiction of either of the Secretaries  
18 concerned, a nomination under subparagraph (A)  
19 shall include evidence that the landowner intends to  
20 participate in, and provide appropriate funding to  
21 carry out, the activities.

22          (d) SELECTION PROCESS.—

23           (1) IN GENERAL.—The Secretary concerned, in  
24 consultation with the other Secretary concerned,



1 shall select for implementation proposals for  
2 projects—

3 (A) that have been nominated under sub-  
4 section (c)(2);

5 (B) that meet the eligibility criteria de-  
6 scribed in subsection (b); and

7 (C) in accordance with the prioritization  
8 criteria established under section 102(e).

9 (2) CRITERIA.—In selecting proposals under  
10 paragraph (1), the Secretary concerned shall give  
11 special consideration to—

12 (A) the strength of the proposal, including  
13 the landscape restoration strategy described in  
14 subsection (b)(1) of the proposal;

15 (B) the strength of the ecological case of  
16 the proposal and the proposed ecological res-  
17 toration strategies under the proposal;

18 (C) the strength of the collaborative proc-  
19 ess described in subsection (b)(2) through  
20 which the proposal was developed and the likeli-  
21 hood of successful collaboration throughout im-  
22 plementation;

23 (D) the extent to which the proposal is  
24 likely to achieve reductions in long-term wildfire

1 risk and increased protection of high-value re-  
2 sources;

3 (E) the extent to which an appropriate  
4 level of non-Federal investment would be lever-  
5 aged in carrying out the proposed project; and

6 (F) ensuring geographic diversity of  
7 projects implemented under this section.

8 (3) LIMITATION.—The Secretary concerned  
9 may select not more than—

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

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

15 (e) REPORTING.—

16 (1) PROJECT REPORTING.—A recipient of fi-  
17 nancial assistance to carry out a project under the  
18 program shall annually submit to the Secretary con-  
19 cerned a report summarizing, at a minimum—

20 (A) the number of acres of land treated  
21 with prescribed fire by the recipient under the  
22 program; and

23 (B) the amount of Federal and non-Fed-  
24 eral funds used by the recipient under the pro-  
25 gram.

1           (2) PROGRAM REPORT.—Not later than 5 years  
2 after the first fiscal year in which funding is made  
3 available to carry out projects under the program,  
4 and every 5 years thereafter, the Secretary con-  
5 cerned shall submit to the congressional committees  
6 a report on the program, including an assessment of  
7 whether, and to what extent, the program is ful-  
8 filling the purposes of this section.

9 (f) LIMITATIONS.—

10           (1) TOTAL FUNDING.—The Secretary concerned  
11 shall not provide more than \$20,000,000 in total  
12 funding for projects under the program in any fiscal  
13 year.

14           (2) PROJECT SIZE LIMITATION.—The Secretary  
15 concerned shall not provide more than \$1,000,000  
16 for any 1 project under the program in any fiscal  
17 year.

18           (3) PROJECT SUNSET.—The Secretary con-  
19 cerned shall not provide funding for a project under  
20 the program for a period of more than 10 fiscal  
21 years.

22           (4) PROJECT CANCELLATION.—The Secretary  
23 concerned shall cease funding any project under the  
24 program that, for 3 consecutive years, fails to meet

1 the annual accomplishment targets set under sub-  
2 section (b)(3)(F).

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

## 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 Secretary concerned may  
19 enter into a cooperative agreement or contract with an eli-  
20 gible entity to authorize the eligible entity to coordinate,  
21 plan, or conduct a prescribed fire on Federal land in ac-  
22 cordance with other applicable laws, regulations, and land  
23 management plans.

24 (c) SUBCONTRACTS.—The Secretary concerned may  
25 authorize a State, an Indian Tribe, or a county that enters

1 into a cooperative agreement or contract under subsection  
2 (b) to enter into a subcontract to conduct a prescribed  
3 fire on Federal land pursuant to that cooperative agree-  
4 ment or contract, subject to any other terms and condi-  
5 tions that the Secretary concerned determines to be appro-  
6 priate.

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

12 **SEC. 202. HUMAN RESOURCES.**

13 (a) PRESCRIBED FIRE WORKFORCE.—

14 (1) INCREASING WORKFORCE RETENTION.—

15 (A) HAZARD PAY.—

16 (i) IN GENERAL.—Each Federal em-  
17 ployee in any classification series, as iden-  
18 tified by the Secretaries, shall be entitled  
19 to be paid the appropriate differential  
20 under subsection (d) of section 5545 of  
21 title 5, United States Code, as if such em-  
22 ployee was covered by such subsection,  
23 when such employee carries out work di-  
24 rectly related to the ignition, management,  
25 and control of a prescribed fire.

1 (ii) REGULATIONS.—The Director of  
2 the Office of Personnel Management shall  
3 prescribe regulations to carry out this sub-  
4 paragraph.

5 (B) INCENTIVE PAYMENTS FOR FUELS AS-  
6 SIGNMENTS.—The Secretaries shall submit to  
7 the congressional committees a joint report de-  
8 scribing mechanisms to attract and retain a  
9 skilled fuels workforce, including pay incentives  
10 that would account for and offset the more  
11 competitive pay options offered through wildfire  
12 suppression assignments.

13 (2) DEDICATED PRESCRIBED FIRE TASK  
14 FORCES.—

15 (A) IN GENERAL.—The Secretaries shall—  
16 (i) not later than 180 days after the  
17 date of enactment of this Act, establish at  
18 least 1 multiparty task force of Federal  
19 employees and non-Federal entities within  
20 each Geographic Area Coordination Center  
21 to plan, lead, and support prescribed fire  
22 across ownership boundaries that are pri-  
23 orities at the landscape, region, State, or  
24 Federal level; and

1 (ii) support each task force estab-  
2 lished under clause (i) by assigning a dedi-  
3 cated Federal employee—

4 (I) to aid necessary administra-  
5 tive functions relating to partnership  
6 agreements; and

7 (II) to coordinate prescribed fire  
8 across ownership boundaries.

9 (B) COOPERATIVE AGREEMENTS.—The  
10 Secretaries may enter into 1 or more coopera-  
11 tive agreements to carry out this paragraph.

12 (3) CONVERSION OF SEASONAL FIREFIGHTERS  
13 TO PERMANENT EMPLOYEES.—The Secretaries may  
14 noncompetitively convert a Federal seasonal em-  
15 ployee to a Federal permanent employee if—

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

18 (B) the employee received a rating of at  
19 least “Fully Successful” in each of the perform-  
20 ance appraisals of the employee for the 3 most  
21 recent seasons of Federal employment of the  
22 employee; and

23 (C) the job duties and performance stand-  
24 ards of the position into which the permanent

1 employee converts emphasize implementing pre-  
2 scribed fires.

3 (4) EMPLOYMENT OF FORMERLY INCARCER-  
4 ATED INDIVIDUALS.—

5 (A) IN GENERAL.—The Secretaries, in  
6 consultation with the Attorney General and  
7 State departments of corrections, shall seek to  
8 provide career pathways, training, and wrap-  
9 around support services, including through  
10 partnerships with the Corps Network, to indi-  
11 viduals described in subparagraph (B) to work  
12 as prescribed fire practitioners.

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

16 (i) has been convicted in any court of  
17 a criminal offense, other than arson or a  
18 violent crime (as defined by the Secre-  
19 taries, in consultation with the Attorney  
20 General and State departments of correc-  
21 tions), and was sentenced to a term of im-  
22 prisonment for that offense; and

23 (ii) during the term of imprisonment  
24 described in clause (i), served on a



1                   wildland firefighting crew or received other  
2                   comparable training.

3                   (5) UNDERREPRESENTED EMPLOYEES.—The  
4                   Secretaries shall support the development and par-  
5                   ticipation of underrepresented groups, as determined  
6                   by the Secretaries, in the wildland fire workforce, in-  
7                   cluding by fostering leadership opportunities,  
8                   mentorship networks, and training.

9                   (6) VETERANS CREWS.—

10                   (A) IN GENERAL.—The Secretaries, in  
11                   consultation with the Secretary of Veterans Af-  
12                   fairs, shall seek—

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

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

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

22                   (i) served in the active military, naval,  
23                   or air service; and

24                   (ii) was discharged or released under  
25                   conditions other than dishonorable.

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

7           (1) establish, operate, and facilitate a pre-  
8 scribed fire training program or center that offers  
9 training in prescribed fire within each Geographic  
10 Area Coordination Center region where such a pro-  
11 gram or center does not exist on the date of enact-  
12 ment of this Act; and

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

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

24           (1) in order to reduce the time required to ob-  
25 tain such a certification; and

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

4           (d) ENHANCING INTEROPERABILITY BETWEEN FED-  
5           ERAL AND NON-FEDERAL PRACTITIONERS.—

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

12          (2) PARTNERSHIP AGREEMENTS.—The Secre-  
13          taries shall—

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

20                (B) create agreements and structures nec-  
21                essary to include non-Federal-agency and other  
22                nontraditional partners in direct work with  
23                Federal agencies to address prescribed fires;  
24                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  
8           activity” means an activity carried out on Federal  
9           land directly related to a wildland fire, prescribed  
10          fire, or prescribed fire with cultural objectives in the  
11          course of executing a Federal action.

12          (2) COVERED ENTITY.—The term “covered en-  
13          tity” means a non-Federal entity engaged in a cov-  
14          ered 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  
18                  agreement 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 man-  
24          ager—

1 (A) obtained a permit for the prescribed  
2 fire;

3 (B) conducted the prescribed fire con-  
4 sistent with a written prescribed fire plan;

5 (C) was at the site of the prescribed fire  
6 for the duration of the prescribed fire;

7 (D) ensured adequate personnel, equip-  
8 ment, and firebreaks were in place during the  
9 prescribed fire, in accordance with the written  
10 prescribed fire plan; and

11 (E) complied with any applicable Federal,  
12 Tribal, State, and local laws.

13 (b) MEMORANDUM OF AGREEMENT.—

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

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

24 (c) INDEMNITY OF FEDERAL AND TRIBAL EMPLOY-  
25 EES.—The Secretaries, in coordination with the Attorney

1 General, shall develop a voluntary training course for em-  
2 ployees involved in covered activities describing—

3 (1) liability protections afforded to those em-  
4 ployees when acting within the scope of their em-  
5 ployment;

6 (2) the limits on any liability protections under  
7 paragraph (1); and

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

12 (d) INDEMNITY OF OTHER COOPERATORS.—

13 (1) IN GENERAL.—Beginning on the date of en-  
14 actment of this Act, a covered entity shall be consid-  
15 ered an employee of the Federal Government for  
16 purposes of chapter 171 of title 28, United States  
17 Code (commonly known as the “Federal Tort Claims  
18 Act”), while that covered entity is engaged in cov-  
19 ered activities.

20 (2) GUIDANCE.—Not later than 1 year after  
21 the date of enactment of this Act, the Secretaries,  
22 in consultation with the Attorney General, shall  
23 issue guidance on the necessary provisions and im-  
24 plementation requirements for contracts or agree-

1       ments that would extend liability protections to cov-  
2       ered entities under paragraph (1).

3           (3) REIMBURSEMENT.—Beginning in the first  
4       fiscal year that begins after the date of enactment  
5       of this Act, the Secretaries shall request, through  
6       annual appropriations, funds sufficient to reimburse  
7       the Treasury for any claims paid in the prior fiscal  
8       year pursuant to paragraph (1).

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

11           (1) the application of any statutory or judicial  
12      immunity to Federal employees;

13           (2) the application of the chapter 171 of title  
14      28, United States Code (commonly known as the  
15      “Federal Tort Claims Act”) to Federal employees;  
16      or

17           (3) the application of section 314 of Public Law  
18      101–512 (25 U.S.C. 5321 note).

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

20       (a) COMMISSIONING OF STUDY.—Not later than 1  
21      year after the date of enactment of this Act, the Secre-  
22      taries, in coordination with the Director of the Office of  
23      Management and Budget, shall complete a study of the  
24      feasibility, design, and effectiveness of a national pre-  
25      scribed fire claims fund (or similar mechanism) to increase

1 the pace and scale of prescribed fire across all lands by  
2 multiple users and for multiple objectives.

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

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

9 (2) The design and administration of such a  
10 fund.

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

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

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

21 (B) the impact of State liability laws on the  
22 availability and affordability of insurance for pre-  
23 scribed fire; and

24 (C) how States may be incentivized to enact  
25 laws clearly establishing and reducing practitioner li-



1 ability for civil suits and suppression and investiga-  
2 tion cost recovery.

3 **SEC. 205. ENVIRONMENTAL REVIEW.**

4 (a) SMOKE MANAGEMENT AGENCIES.—

5 (1) POLICY.—The Secretaries shall ensure that  
6 policies, training, and programs of the Secretaries  
7 are consistent with this subsection—

8 (A) to facilitate greater use of prescribed  
9 fire; and

10 (B) to address public health and safety, in-  
11 cluding impacts from smoke from wildfires and  
12 prescribed fires.

13 (2) COORDINATION AMONG FEDERAL, TRIBAL,  
14 AND STATE AIR QUALITY AGENCIES AND FEDERAL,  
15 TRIBAL, AND STATE LAND MANAGEMENT AGEN-  
16 CIES.—To facilitate the use of prescribed fire on  
17 Federal, State, Tribal, and private land, the Admin-  
18 istrator of the Environmental Protection Agency, in  
19 cooperation with Federal and State land manage-  
20 ment agencies, shall coordinate with State, Tribal,  
21 and local air quality agencies that regulate smoke  
22 under the Clean Air Act (42 U.S.C. 7401 et seq.)—

23 (A) to the maximum extent practicable, to  
24 provide State, Tribal, and local air quality  
25 agencies with guidance, data, imagery, or mod-

1 eling to support the development of exceptional  
2 event demonstrations in accordance with sec-  
3 tions 50.14 and 51.930 of title 40, Code of  
4 Federal Regulations (or successor regulations);

5 (B) to develop archives and automated  
6 tools to provide State, Tribal, and local air  
7 quality agencies with the data, imagery, and  
8 modeling under subparagraph (A);

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

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

23 (E)(i) to promote basic smoke manage-  
24 ment practices and other best practices to pro-  
25 tect the public from wildland fire smoke;

1 (ii) to disseminate information about basic  
2 smoke management practices;

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

5 (I) using basic smoke management  
6 practices; and

7 (II) including basic smoke manage-  
8 ment practices as a component of a pre-  
9 scribed fire plan; and

10 (iv) to share information with the public,  
11 in coordination with other public health agen-  
12 cies, about measures that individuals can take  
13 to protect themselves from wildland fire smoke;  
14 and

15 (F) to develop guidance and tools to  
16 streamline the demonstration of a clear causal  
17 relationship between prescribed fire smoke and  
18 a related exceedance of a national ambient air  
19 quality standard.

20 (3) EXCEPTIONAL EVENT DEMONSTRATIONS.—

21 (A) IN GENERAL.—The appropriate State  
22 or Tribal air quality agency (including any local  
23 air quality agency delegated authority by a  
24 State) may develop and submit to the Adminis-  
25 trator of the Environmental Protection Agency

1 an exceptional event demonstration in accord-  
2 ance with sections 50.14 and 51.930 of title 40,  
3 Code of Federal Regulations (or successor regu-  
4 lations), for a prescribed fire.

5 (B) APPROVAL.—The Administrator of the  
6 Environmental Protection Agency shall concur  
7 with an exceptional event demonstration sub-  
8 mitted under subparagraph (A) in accordance  
9 with the requirements of sections 50.14 and  
10 51.930 of title 40, Code of Federal Regulations  
11 (or successor regulations), including that the  
12 applicable prescribed fire was not reasonably  
13 controllable or preventable and that the applica-  
14 ble prescribed fire was a human activity un-  
15 likely to recur, if the State or Tribal air quality  
16 agency demonstrates in that exceptional event  
17 demonstration that, at a minimum, the applica-  
18 ble prescribed fire was—

19 (i) conducted in accordance with a  
20 State or Tribal smoke management pro-  
21 gram or basic smoke management prac-  
22 tices; and

23 (ii) consistent with a land or resource  
24 management plan with a stated objective

1 to establish, restore, or maintain a sustain-  
2 able and resilient ecosystem.

3 (C) DEMONSTRATION ASSISTANCE FOR  
4 FEDERAL LAND.—For any prescribed fire con-  
5 ducted on Federal land, the Secretary con-  
6 cerned—

7 (i) shall assist with the development  
8 of an exceptional event demonstration  
9 under subparagraph (A) on request of a  
10 State or Tribal air quality agency; and

11 (ii) may develop and submit an excep-  
12 tional event demonstration under subpara-  
13 graph (A) with the concurrence of the ap-  
14 plicable State or Tribal air quality agency.

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

22 (A) wildland fire smoke prediction models;

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

1 (C) appropriate, cost-effective, and con-  
2 sistent strategies to mitigate the impacts of  
3 smoke from prescribed fire on nearby commu-  
4 nities;

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) INCLUSION OF LANDSCAPE-SCALE PRE-  
14 SCRIBED FIRE PLANS.—The Secretary concerned  
15 shall, with respect to units of the National Forest  
16 System and Bureau of Land Management districts  
17 with existing prescribed fire programs—

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

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

1 (i) determine whether each plan de-  
2 scribed in subparagraph (A) requires revi-  
3 sion;

4 (ii) establish a schedule for the revi-  
5 sion of each plan described in subpara-  
6 graph (A) that requires revision; and

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

11 (2) ENVIRONMENTAL COMPLIANCE.—In car-  
12 rying out paragraph (1), the Secretary concerned  
13 shall—

14 (A) comply with—

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

17 (ii) the Endangered Species Act of  
18 1973 (16 U.S.C. 1531 et seq.);

19 (iii) division A of subtitle III of title  
20 54, United States Code; and

21 (iv) any other applicable laws; and

22 (B) consider the site-specific environmental  
23 consequences of the landscape-scale prescribed  
24 fire decisions under this subsection.

1           (3) COLLABORATIVE DEVELOPMENT.—In car-  
2           rying out paragraph (1), the Secretary concerned  
3           shall collaborate with diverse actors from academia,  
4           the Forest Service and Bureau of Land Management  
5           research and development, nongovernmental organi-  
6           zations, cultural fire practitioners, and other enti-  
7           ties, as determined appropriate by the Secretary  
8           concerned.

9           (4) CONSULTATION WITH INDIAN TRIBES.—The  
10          Secretary concerned shall engage in government-to-  
11          government consultation with Indian Tribes in com-  
12          plying with this subsection.

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

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

19          (a) IN GENERAL.—The Secretaries shall carry out a  
20          national prescribed fire education program focused on fire  
21          ecology and prescribed fire planning and implementation.

22          (b) PROGRAM ELEMENTS.—A prescribed fire edu-  
23          cation program authorized under subsection (a) may in-  
24          clude—

25                 (1) public service advertisements;



- 1           (2) the use of social media;
- 2           (3) campaign and educational activities and ma-
- 3           terials;
- 4           (4) commercial licensing;
- 5           (5) character images and appearances; and
- 6           (6) awards and recognition.

## 7           **TITLE III—REPORTING**

### 8   **SEC. 301. ANNUAL REPORTS TO THE NATIONAL FIRE PLAN-**

9                           **NING AND OPERATIONS DATABASE.**

10          (a) PURPOSE.—The purpose of this section is to en-

11          sure an accurate reporting of annual prescribed fire ac-

12          complishments in the United States.

13          (b) COST-SHARE.—Subject to the availability of ap-

14          propriations, the Secretary may provide financial assist-

15          ance to States to pay a portion of the costs associated

16          with annually reporting prescribed fire accomplishments.

17          (c) ELIGIBILITY FOR FUNDS.—If, by December 31

18          of each year, a State has not reported to the National Fire

19          Planning and Operations Database (or a successor data-

20          base), at a minimum, the number of acres on which

21          uncharacteristic wildfire risk is effectively mitigated using

22          prescribed fire in the State, the State shall not be eligible

23          to receive any amounts made available under this Act for

24          the previous fiscal year.

1 **SEC. 302. ANNUAL IMPLEMENTATION REPORT.**

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