

119TH CONGRESS
1ST SESSION

S. _____

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 and southeastern United States, to acknowledge and support the long-standing use of cultural burning by Indian Tribes and Indigenous practitioners, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN (for himself and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on _____

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 and southeastern United States, to acknowledge and support the long-standing use of cultural burning by Indian 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,*

2

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

2 (a) SHORT TITLE.—This Act may be cited as the
3 “National Prescribed Fire Act of 2025”.

4 (b) TABLE OF CONTENTS.—The table of contents for
5 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. Environmental review.

Sec. 205. Prescribed fire education program.

TITLE III—REPORTING

Sec. 301. Annual reports to National Fire Planning and Operations Database.

Sec. 302. Annual implementation report.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) CONGRESSIONAL COMMITTEES.—The term
9 “congressional committees” means—

10 (A) the Committee on Energy and Natural
11 Resources, the Committee on Agriculture, Nu-
12 trition, and Forestry, and the Committee on
13 Appropriations of the Senate; and

14 (B) the Committee on Natural Resources,
15 the Committee on Agriculture, and the Com-

1 mittee on Appropriations of the House of Rep-
2 resentatives.

3 (2) FEDERAL LAND.—The term “Federal land”
4 means—

5 (A) land under the jurisdiction of the Sec-
6 retary; and

7 (B) National Forest System land.

8 (3) LANDSCAPE-SCALE PRESCRIBED FIRE
9 PLAN.—The term “landscape-scale prescribed fire
10 plan” means a decision document prepared pursuant
11 to the National Environmental Policy Act of 1969
12 (42 U.S.C. 4321 et seq.) that—

13 (A) covers a unit of the National Forest
14 System, a Bureau of Land Management dis-
15 trict, or a subunit of such a unit or district;

16 (B) analyzes the site-specific environmental
17 consequences of prescribed fire on land de-
18 scribed in subparagraph (A); and

19 (C) obviates the need for subsequent deci-
20 sions pursuant to the National Environmental
21 Policy Act of 1969 (42 U.S.C. 4321 et seq.)
22 with respect to the unit, district, or subunit de-
23 scribed in subparagraph (A).

24 (4) NATIONAL FOREST SYSTEM.—

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

6 (B) EXCLUSIONS.—The term “National
7 Forest System” does not include the national
8 grasslands or land utilization projects adminis-
9 tered under title III of the Bankhead-Jones
10 Farm Tenant Act (7 U.S.C. 1010 et seq.).

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

14 (A) under specified environmental condi-
15 tions that are intended to allow the fire to be
16 confined to a predetermined area and produce
17 the fireline intensity and rate of spread re-
18 quired to attain planned resource management
19 objectives; and

20 (B) in accordance with applicable law (in-
21 cluding regulations).

22 (6) SECRETARIES.—The term “Secretaries”
23 means—

24 (A) the Secretary; and

25 (B) the Secretary of Agriculture.

1 (7) SECRETARY.—The term “Secretary” means
2 the Secretary of the Interior.

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

5 (A) the Secretary, in the case of land
6 under the jurisdiction of the Secretary; and

7 (B) the Secretary of Agriculture, in the
8 case of land under the jurisdiction of the Sec-
9 retary of Agriculture.

10 **TITLE I—USE OF FUNDS**

11 **SEC. 101. DEFINITION OF PRESCRIBED FIRE.**

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

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

17 **SEC. 102. PRESCRIBED FIRE FUNDING.**

18 (a) FUNDING FLEXIBILITY.—

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

24 (2) DEPARTMENT OF THE INTERIOR.—The
25 Secretary may use not more than 15 percent of

1 funds appropriated for each fiscal year for haz-
2 ardous fuels management and post-fire activities in
3 the account for wildland fire management of the De-
4 partment of the Interior for activities described in
5 subsection (b).

6 (b) DESCRIPTION OF ACTIVITIES.—The activities re-
7 ferred to in subsection (a) are—

8 (1) with respect to prescribed fires on Federal
9 land, or on non-Federal land if the Secretary con-
10 cerned determines that such activities would benefit
11 resources on Federal land—

12 (A) entering into procurement contracts or
13 cooperative agreements for prescribed fire ac-
14 tivities;

15 (B) issuing grants to a State, Tribal gov-
16 ernment, local government, prescribed fire
17 council, prescribed burn association, or non-
18 profit organization for the implementation of
19 prescribed fires, including—

20 (i) carrying out necessary environ-
21 mental reviews;

22 (ii) carrying out any site preparation
23 necessary for implementing prescribed
24 fires; and

1 (iii) conducting any required pre-igni-
2 tion cultural or environmental surveys; and

3 (C) conducting outreach to the public, In-
4 dian Tribes and beneficiaries, and adjacent
5 landowners;

6 (2) implementing prescribed fires on non-Fed-
7 eral land, if the Secretary concerned determines that
8 the prescribed fire would benefit Federal land, in-
9 cluding—

10 (A) carrying out necessary environmental
11 reviews;

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

14 (C) conducting any required pre-ignition
15 cultural and environmental surveys;

16 (3) providing to Federal employees and co-
17 operators training for prescribed fire and basic
18 smoke management practices;

19 (4) conducting post-prescribed fire activities,
20 such as monitoring for hazard trees or reignitions
21 and invasive species management;

22 (5) providing technical or financial assistance to
23 a State, Tribal government, local government, pre-
24 scribed fire council, prescribed burn association, or
25 nonprofit organization for the purpose of providing

1 training for prescribed fire or basic smoke manage-
2 ment practices, consistent with any standards devel-
3 oped by the National Wildfire Coordinating Group
4 or State prescribed fire standards; and

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

8 (c) PRIORITIZATION.—

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

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

20 (A) implemented across a large contiguous
21 area;

22 (B) cross-boundary in nature;

23 (C) in an area that is—

24 (i) within or adjacent to the wildland-
25 urban interface and identified as a priority

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

15 **SEC. 103. POLICIES AND PRACTICES.**

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

24 (b) OPERATIONAL STRATEGY.—The Secretary con-
25 cerned shall develop, in coordination with State, local, and

1 Tribal governments, a prescribed fire operational strategy
2 for each region of the National Forest System or the De-
3 partment of the Interior, as applicable, that describes—
4 (1) the fire deficit by region; and
5 (2) staffing and funding needs to address the
6 fire deficit under paragraph (1).

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

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

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

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

18 (3) the National Environmental Policy Act of
19 1969 (42 U.S.C. 4321 et seq.);

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

22 (5) any other applicable law.

23 (b) ELIGIBILITY CRITERIA.—To be eligible for nomi-
24 nation under subsection (c), a proposal for a project
25 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) not less than 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; and

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 Secretaries concerned, a nomina-
10 tion under subparagraph (A) shall include the
11 concurrence of the appropriate official for the
12 applicable land that is not under the jurisdic-
13 tion of the official nominating the proposal.

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

21 (d) SELECTION PROCESS.—

22 (1) IN GENERAL.—The Secretary concerned, in
23 consultation with the other Secretary concerned,
24 shall select for implementation proposals for
25 projects—

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

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

5 (C) in accordance with the prioritization
6 criteria established under section 102(c).

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

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

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

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

21 (D) the extent to which the proposal is
22 likely to achieve reductions in long-term wildfire
23 risk and increased protection of high-value re-
24 sources;

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

4 (F) ensuring geographic diversity of
5 projects implemented under this section.

6 (3) LIMITATION.—The Secretary concerned
7 may select not more than—

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

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

13 (e) REPORTING.—

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

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

22 (B) the amount of Federal and non-Fed-
23 eral funds used by the recipient under the pro-
24 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 describing the program, including an as-
7 sessment of whether, and to what extent, the pro-
8 gram is fulfilling 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) UNDERUTILIZED EMPLOYEES.—The Secre-
4 taries shall support the recruitment, development,
5 and participation of underutilized employees, as de-
6 termined by the Secretaries, in the wildland fire
7 workforce, including by fostering leadership opportu-
8 nities, 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 applicable National Wildfire Coordi-
3 nating Group standards as eligible to be in-
4 cluded in 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 (b) INDEMNITY OF FEDERAL AND TRIBAL EMPLOY-
20 EES.—The Secretaries, in coordination with the Attorney
21 General, shall develop, for employees involved in covered
22 activities, a voluntary training course describing—

23 (1) liability protections afforded to those em-
24 ployees when acting within the scope of their em-
25 ployment;

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

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

7 (c) INDEMNITY OF OTHER COOPERATORS.—

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

15 (2) GUIDANCE.—Not later than 1 year after
16 the date of enactment of this Act, the Secretaries,
17 in consultation with the Attorney General, shall
18 issue guidance on the necessary provisions and im-
19 plementation requirements for contracts or agree-
20 ments that would extend liability protections to cov-
21 ered entities under paragraph (1).

22 (3) REIMBURSEMENT.—Beginning in the first
23 fiscal year that begins after the date of enactment
24 of this Act, the Secretaries shall request, through
25 annual appropriations, funds sufficient to reimburse

1 the Treasury for any claims paid during the prior
2 fiscal year pursuant to paragraph (1).

3 (d) EFFECT.—Nothing in this section limits or other-
4 wise affects—

5 (1) the application of any statutory or judicial
6 immunity to Federal employees;

7 (2) the application of chapter 171 of title 28,
8 United States Code (commonly known as the “Fed-
9 eral Tort Claims Act”), to Federal employees; or

10 (3) the application of section 314 of Public Law
11 101–512 (25 U.S.C. 5321 note).

12 **SEC. 204. ENVIRONMENTAL REVIEW.**

13 (a) SMOKE MANAGEMENT AGENCIES.—

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

17 (A) to facilitate greater use of prescribed
18 fire; and

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

22 (2) COORDINATION AMONG FEDERAL, TRIBAL,
23 AND STATE AIR QUALITY AGENCIES AND FEDERAL,
24 TRIBAL, AND STATE LAND MANAGEMENT AGEN-
25 CIES.—To facilitate the use of prescribed fire on

1 Federal, State, Tribal, and private land, the Admin-
2 istrator of the Environmental Protection Agency, in
3 cooperation with Federal and State land manage-
4 ment agencies, shall coordinate with State, Tribal,
5 and local air quality agencies that regulate smoke
6 under the Clean Air Act (42 U.S.C. 7401 et seq.)—

7 (A) to the maximum extent practicable, to
8 provide State, Tribal, and local air quality
9 agencies with guidance, data, imagery, or mod-
10 eling to support the development of exceptional
11 event demonstrations in accordance with sec-
12 tions 50.14 and 51.930 of title 40, Code of
13 Federal Regulations (or successor regulations);

14 (B) to develop archives and automated
15 tools to provide State, Tribal, and local air
16 quality agencies with the data, imagery, and
17 modeling under subparagraph (A);

18 (C) to develop decision support tools for
19 State, Tribal, and local air quality agencies to
20 assist in determining whether an exceptional
21 event demonstration, if the Administrator of the
22 Environmental Protection Agency concurs with
23 such demonstration, would have regulatory sig-
24 nificance;

1 (D) to provide technical assistance, best
2 practices, or templates to States, Indian Tribes,
3 and local governments for use in approving the
4 use of prescribed fire under a State, Tribal, or
5 local government smoke management program;

6 (E)(i) to promote basic smoke manage-
7 ment practices and other best practices to pro-
8 tect the public from wildland fire smoke;

9 (ii) to disseminate information about basic
10 smoke management practices;

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

13 (I) using basic smoke management
14 practices; and

15 (II) including basic smoke manage-
16 ment practices as a component of a pre-
17 scribed fire plan; and

18 (iv) to share with the public, in coordina-
19 tion with other public health agencies, informa-
20 tion about measures that individuals can take
21 to protect themselves from wildland fire smoke;
22 and

23 (F) to develop guidance and tools to
24 streamline the demonstration of a clear causal
25 relationship between prescribed fire smoke and

1 a related exceedance of a national ambient air
2 quality standard.

3 (3) EXCEPTIONAL EVENT DEMONSTRATIONS.—

4 (A) IN GENERAL.—The appropriate State
5 or Tribal air quality agency (including any local
6 air quality agency delegated authority by a
7 State) may develop and submit to the Adminis-
8 trator of the Environmental Protection Agency
9 an exceptional event demonstration in accord-
10 ance with sections 50.14 and 51.930 of title 40,
11 Code of Federal Regulations (or successor regu-
12 lations), for a prescribed fire.

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

1 demonstration that, at a minimum, the applica-
2 ble prescribed fire was—

3 (i) conducted in accordance with a
4 State or Tribal smoke management pro-
5 gram or basic smoke management prac-
6 tices; and

7 (ii) consistent with a land or resource
8 management plan with a stated objective
9 to establish, restore, or maintain a sustain-
10 able and resilient ecosystem.

11 (C) DEMONSTRATION ASSISTANCE FOR
12 FEDERAL LAND.—For any prescribed fire con-
13 ducted on Federal land, the Secretary con-
14 cerned—

15 (i) shall assist with the development
16 of an exceptional event demonstration
17 under subparagraph (A) on request of a
18 State or Tribal air quality agency; and

19 (ii) may develop and submit an excep-
20 tional event demonstration under subpara-
21 graph (A) with the concurrence of the ap-
22 plicable State or Tribal air quality agency.

23 (4) PROGRAMS AND RESEARCH.—To address
24 the public health and safety risk of the expanded use
25 of prescribed fire under this Act, the Secretaries, in

1 coordination with the Administrator of the Environ-
2 mental Protection Agency and the Director of the
3 Centers for Disease Control and Prevention, shall
4 conduct research to improve or develop—

5 (A) wildland fire smoke prediction models;

6 (B) smoke impact display tools for the
7 public and decisionmakers;

8 (C) appropriate, cost-effective, and con-
9 sistent strategies to mitigate the impacts of
10 smoke from prescribed fire on nearby commu-
11 nities;

12 (D) consistent nationally and scientifically
13 supported messages regarding personal protec-
14 tion equipment for the public; and

15 (E) prescribed fire activity tracking and
16 emission inventory systems for planning and
17 post-treatment accountability.

18 (b) DEVELOPMENT OF LANDSCAPE-SCALE FEDERAL
19 PRESCRIBED FIRE PLANS.—

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

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

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

7 (i) determine whether each plan de-
8 scribed in subparagraph (A) requires revi-
9 sion;

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

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

17 (2) ENVIRONMENTAL COMPLIANCE.—In car-
18 rying out paragraph (1), the Secretary concerned
19 shall—

20 (A) comply with—

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

23 (ii) the Endangered Species Act of
24 1973 (16 U.S.C. 1531 et seq.);

1 (iii) division A of subtitle III of title
2 54, United States Code; and

3 (iv) any other applicable laws; and

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

7 (3) COLLABORATIVE DEVELOPMENT.—In car-
8 rying out paragraph (1), the Secretary concerned
9 shall collaborate with diverse actors from academia,
10 Forest Service and Bureau of Land Management re-
11 search and development programs, nongovernmental
12 organizations, cultural fire practitioners, and other
13 entities, as determined appropriate by the Secretary
14 concerned.

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

19 (5) REPORTS.—Not later than 1 year after the
20 date of enactment of this Act, and annually there-
21 after, the Secretary concerned shall submit to Con-
22 gress a report describing the progress of the Sec-
23 retary concerned with respect to carrying out this
24 subsection.

1 **SEC. 205. PRESCRIBED FIRE EDUCATION PROGRAM.**

2 (a) IN GENERAL.—The Secretaries shall carry out a
3 national prescribed fire education program focused on fire
4 ecology and prescribed fire planning and implementation.

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

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 NATIONAL FIRE PLANNING**
16 **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 to the National Fire Planning and
24 Operations Database (or a successor database) the pre-
25 scribed fire accomplishments of the State.

1 (c) ELIGIBILITY FOR FUNDS.—If, by December 31
2 of a calendar year, a State has not submitted to the Na-
3 tional Fire Planning and Operations Database (or a suc-
4 cessor database) a report describing, at a minimum, the
5 number of acres on which uncharacteristic wildfire risk is
6 effectively mitigated using prescribed fire in the State, the
7 State shall not be eligible to receive any amounts made
8 available under this Act for the previous fiscal year.

9 **SEC. 302. ANNUAL IMPLEMENTATION REPORT.**

10 Not later than 1 year after the date of enactment
11 of this Act, and annually thereafter, the Secretaries shall
12 each submit to the congressional committees a report de-
13 scribing the activities carried out under this Act.