

118TH CONGRESS
2D 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 United States, to acknowledge and support the long-standing use of cultural burning by Tribes and Indigenous practitioners, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. WYDEN 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 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,*

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 2024”.

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. 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 Database.
- Sec. 302. Annual implementation report.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

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

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

3 (7) according to a 2015 study published in
4 Ecology, trees that have not been burnt by a low-in-
5 tensity fire are unusually prone to bark beetle at-
6 tacks, and between 2000 and 2010, bark beetles
7 killed the majority of trees on 32,000,000 acres of
8 the 193,000,000 acres of National Forest System
9 land;

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

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

13 (B) 113 prescribed burn associations in 19
14 States;

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

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

19 (B) 23 States offer prescribed burn man-
20 ager certification courses to facilitate respon-
21 sible burning on private land;

22 (C) only 5 States (Vermont, Massachu-
23 setts, Missouri, Connecticut, and Rhode Island)
24 lack laws to reduce liability associated with the
25 responsible use of prescribed fire; and

1 (D) only 8 States (Florida, Montana, Ne-
2 vada, Colorado, Michigan, Georgia, South Caro-
3 lina, and Washington) have laws that use a
4 standard of gross negligence for determining li-
5 abilities for the responsible use of prescribed
6 fire; and

7 (10) as of September 30, 2019, 31 States have
8 a formal process to track the number of acres treat-
9 ed 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

1 plan” means a decision document prepared pursuant
2 to the National Environmental Policy Act of 1969
3 (42 U.S.C. 4321 et seq.) that—

4 (A) covers a unit of the National Forest
5 System, a Bureau of Land Management dis-
6 trict, or a subunit thereof;

7 (B) analyzes the site-specific environmental
8 consequences of prescribed fire on the land de-
9 scribed in subparagraph (A); and

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

15 (3) NATIONAL FOREST SYSTEM.—

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

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

1 (4) PRESCRIBED FIRE.—

2 (A) IN GENERAL.—The term “prescribed
3 fire” means a fire deliberately ignited to burn
4 wildland fuels in a natural or modified state—

5 (i) under specified environmental con-
6 ditions that are intended to allow the fire
7 to be confined to a predetermined area and
8 produce the fireline intensity and rate of
9 spread required to attain planned resource
10 management objectives;

11 (ii) that does not include pile burning;
12 and

13 (iii) in accordance with applicable law,
14 including applicable regulations.

15 (B) EXCLUSION.—The term “prescribed
16 fire” does not include Tribal cultural burning,
17 as determined by the Secretaries.

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

20 (A) the Secretary; and

21 (B) the Secretary of Agriculture.

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

1 **TITLE I—USE OF FUNDS**

2 **SEC. 101. PRESCRIBED FIRE ACCOUNTS.**

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

5 (1) the Secretary of Agriculture, with respect to
6 an account established by this section for the De-
7 partment of Agriculture; and

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

11 (b) ESTABLISHMENT OF ACCOUNTS.—There are es-
12 tablished in the Treasury of the United States the fol-
13 lowing accounts:

14 (1) The Prescribed Fire account for the De-
15 partment of Agriculture.

16 (2) The Prescribed Fire account for the De-
17 partment of the Interior.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated to the accounts established
20 by subsection (b) a total of \$300,000,000 for fiscal year
21 2024 and each fiscal year thereafter.

22 (d) PRESIDENTIAL BUDGET REQUESTS.—For fiscal
23 year 2024 and each fiscal year thereafter, each Secretary
24 concerned shall submit, in the budget justification mate-
25 rials submitted to Congress in support of the budget of

1 the relevant Department for each fiscal year (as submitted
2 with the budget of the President under section 1105(a)
3 of title 31, United States Code)—

4 (1) a request for amounts in the Wildland Fire
5 Management appropriation account of the Secretary
6 concerned to carry out the activities described in
7 subsection (e); and

8 (2) an accounting of costs with respect to pre-
9 scribed fire, by region of the National Forest System
10 or the Bureau of Land Management, as applicable,
11 for the previous 3 years, including—

12 (A) the amount spent on prescribed fire;

13 (B) the number of acres treated with pre-
14 scribed fire; and

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

17 (e) USE OF FUNDS.—

18 (1) MANDATORY ACTIVITIES.—The Secretary
19 concerned shall use amounts in the accounts estab-
20 lished by subsection (b)—

21 (A) to develop, in coordination with State,
22 local, and Tribal governments, a prescribed fire
23 operational strategy for each region of the Na-
24 tional Forest System or the Bureau of Land
25 Management, as applicable, specifically for

1 using funding provided through the Infrastruc-
2 ture Investment and Jobs Act (Public Law
3 117–58; 135 Stat. 429) and other additional
4 sources of funding, that describes—

- 5 (i) the fire deficit by region;
- 6 (ii) staffing and funding needs;
- 7 (iii) plans to apply prescribed fire;

8 and

9 (iv) regional targets to demonstrate
10 an increase in prescribed fire with respect
11 to—

- 12 (I) existing programs; and
- 13 (II) activities carried out using
14 additional funding sources;

15 (B) with respect to prescribed fires—

16 (i) to carry out necessary environ-
17 mental reviews;

18 (ii) to conduct outreach to the public,
19 Indian Tribes and beneficiaries, and adja-
20 cent landowners;

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

23 and

24 (iv) to implement prescribed fires on
25 Federal land;

1 (C) to hire additional, dedicated personnel
2 and procure additional equipment, including un-
3 manned aerial systems equipped with an aerial
4 ignition system, to implement a greater number
5 of prescribed fires;

6 (D) to fund an increase in staffing (includ-
7 ing in-person and hybrid staff) in order to pro-
8 vide training for the implementation of pre-
9 scribed fire and management of smoke;

10 (E) to conduct post-prescribed fire activi-
11 ties, such as—

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

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

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

19 (G) to use key performance indicators, in-
20 cluding—

21 (i) the annual number of acres of Na-
22 tional Forest System land or public lands,
23 as applicable, where completed treatment
24 effectively mitigates wildfire risk or main-

1 tains or restores ecological integrity with
2 respect to—

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

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

7 (ii) the number of acres in a desired
8 condition as a result of fire management
9 objectives, as determined by the Secretary
10 concerned;

11 (iii) the number of acres treated with
12 prescribed fire and the quantity of emis-
13 sions from prescribed fires;

14 (iv) the number of acres where treat-
15 ment results in changes in fire regime con-
16 dition class; and

17 (v) the number of burns conducted by
18 Indian Tribes or Indigenous-led organiza-
19 tions or pursuant to an agreement with an
20 Indian Tribe or Indigenous-led organiza-
21 tion.

22 (2) **JOINT COORDINATION.**—The Secretaries
23 shall coordinate to jointly develop a common data
24 management and analysis system for planning and
25 post-treatment accountability.

1 (3) AUTHORIZED ACTIVITIES.—The Secretary
2 concerned may—

3 (A) assist State, Tribal, local government,
4 or private prescribed fire programs—

5 (i) to establish a training or certifi-
6 cation program for teams comprised of
7 citizens or local fire services to conduct
8 prescribed fires on private land, consistent
9 with any standards developed by the Na-
10 tional Wildfire Coordinating Group or
11 State prescribed fire standards;

12 (ii) to enable additional fire managers
13 and apparatus, whether provided by the
14 local resources of an agency, private con-
15 tractors, nongovernmental organizations,
16 Indian Tribes, local fire services, or quali-
17 fied individuals, to assist in implementing
18 a prescribed fire;

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

21 (iv) to finance the implementation of
22 a prescribed fire on State, Tribal, or pri-
23 vate land and any post-prescribed fire ac-
24 tivities as are determined to be necessary
25 by the Secretary concerned;

1 (B) provide technical or financial assist-
2 ance to a prescribed fire council or prescribed
3 burn association for the establishment or oper-
4 ation of the council or association; and

5 (C) provide funding for the collaborative
6 prescribed fire program established under sec-
7 tion 103.

8 (f) PRIORITIZATION OF FUNDING.—

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

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

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

21 (B) cross-boundary in nature;

22 (C) in an area that is threatening to, or lo-
23 cated in, the wildland-urban interface;

1 (D) in an area identified as a priority area
2 in a statewide forest resource assessment or
3 Community Wildfire Protection Plan;

4 (E) on acres at high or very high risk of
5 experiencing a wildfire that would be difficult to
6 suppress;

7 (F) 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 (G) 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 consecu-
22 tive years, fails to meet the annual accomplishment
23 targets that were established under subsection
24 (b)(2).

1 (e) 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 implementing a pre-
3 scribed fire (as defined in section
4 3 of the National Prescribed Fire
5 Act of 2024).”.

6 (3) INCREASING WORKFORCE RETENTION.—

7 (A) PURPOSE.—The purpose of this para-
8 graph is to require the Secretaries to carry out
9 activities to retain sufficient workforce to imple-
10 ment prescribed fires and to remain competitive
11 with other non-Federal firefighting programs.

12 (B) HAZARD PAY.—

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

22 (ii) REGULATIONS.—The Director of
23 the Office of Personnel Management may
24 prescribe regulations to carry out this sub-
25 paragraph.

1 (C) OTHER BENEFITS.—The Secretaries
2 shall implement measures to promote retention
3 among Federal wildland firefighters of any clas-
4 sification series carrying out work related to
5 wildland fire and prescribed fire, such as portal-
6 to-portal pay, quarterly bonuses, or other bene-
7 fits.

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

16 (4) 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
22 employees 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 pri-

1 orities at the landscape, region, State, or
2 Federal level; and

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

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

9 (II) to coordinate prescribed fire
10 across ownership boundaries.

11 (B) TERM OF EMPLOYMENT FOR FEDERAL
12 TASK FORCE MEMBERS.—Federal employees as-
13 signed under subparagraph (A) may be hired as
14 permanent, full-time employees using direct hir-
15 ing authority by the Secretaries.

16 (C) COOPERATIVE AGREEMENTS.—The
17 Secretaries may enter into 1 or more coopera-
18 tive agreements to carry out this paragraph.

19 (5) CONVERSION OF SEASONAL FIREFIGHTERS
20 TO PERMANENT EMPLOYEES.—The Secretaries may
21 noncompetitively convert a Federal seasonal em-
22 ployee to a Federal permanent employee if—

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

1 (B) the employee received a rating of at
2 least “Fully Successful” in each of the perform-
3 ance appraisals of the employee for the 5 most
4 recent seasons of Federal employment of the
5 employee; and

6 (C) the job duties and performance stand-
7 ards of the position into which the permanent
8 employee converts emphasize implementing pre-
9 scribed fires.

10 (6) EMPLOYMENT OF FORMERLY INCARCER-
11 ATED INDIVIDUALS.—

12 (A) IN GENERAL.—The Secretaries, in
13 consultation with the Attorney General and
14 State departments of corrections, shall seek to
15 provide career pathways, training, and wrap-
16 around support services, including through
17 partnerships with the Corps Network, to indi-
18 viduals described in subparagraph (B) to work
19 as prescribed fire practitioners.

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

23 (i) has been convicted in any court of
24 a criminal offense, other than arson, and

1 was sentenced to a term of imprisonment
2 for that offense; and

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

7 (7) UNDERREPRESENTED EMPLOYEES.—To
8 further address the gender disparity in wildland fire-
9 fighting, the Secretaries shall support the develop-
10 ment and participation of women and nonbinary in-
11 dividuals pursuant to Executive Order 13988 (42
12 U.S.C. 2000e note; relating to preventing and com-
13 bating discrimination on the basis of gender identity
14 or sexual orientation) in leadership opportunities,
15 mentorship networks, and training in prescribed fire,
16 including the Fire Leadership for Women course and
17 Women-In-Fire Training Exchange and other re-
18 lated opportunities—

19 (A) to develop strong leaders;

20 (B) to increase the number of women over-
21 seeing prescribed fires; and

22 (C) to enhance the longevity and success of
23 women in wildland fire management.

24 (8) VETERANS CREWS.—

1 (A) IN GENERAL.—The Secretaries, in
2 consultation with the Secretary of Veterans Af-
3 fairs, shall seek—

4 (i) to provide a career pathway to in-
5 dividuals described in subparagraph (B) to
6 work as prescribed fire practitioners; and

7 (ii) to establish crews composed pre-
8 dominantly of veterans to conduct pre-
9 scribed fires.

10 (B) INDIVIDUALS DESCRIBED.—An indi-
11 vidual referred to in subparagraph (A) is an in-
12 dividual who—

13 (i) served in the active military, naval,
14 or air service; and

15 (ii) was discharged or released under
16 conditions other than dishonorable.

17 (9) INTER-TRIBAL ORGANIZATIONS.—The Sec-
18 retaries may provide funding to Tribal, Indigenous-
19 led, and inter-Tribal organizations, including the
20 Intertribal Timber Council, to provide training and
21 workforce development opportunities in wildland fire.

22 (b) ADDITIONAL TRAINING CENTERS.—Subject to
23 the availability of appropriations, not later than 2 years
24 after the date of enactment of this Act, the Secretary, in
25 cooperation with the Secretary of Agriculture (and the

1 Secretary of Defense in the case of a center located on
2 a military installation), shall—

3 (1) establish, operate, and facilitate a pre-
4 scribed fire training program or center in each Geo-
5 graphic Area Coordination Center region where such
6 a program or center does not exist on the date of
7 enactment of this Act;

8 (2) support the establishment of an Indigenous-
9 led prescribed fire and cultural burning training cen-
10 ter operated by an Indian Tribe or partnership of
11 Indian Tribes;

12 (3) establish a virtual prescribed fire training
13 center; and

14 (4) establish and operate a training center for
15 managing wildfire for resource objectives.

16 (c) COMPETENCIES FOR FIREFIGHTERS.—

17 (1) UPDATES TO REQUIRED COMPETENCIES
18 FOR SPECIFIC FIREFIGHTER POSITIONS.—The Sec-
19 retaries, in coordination with the Fire Executive
20 Council, the National Association of State Foresters,
21 and the Intertribal Timber Council, shall task the
22 National Wildfire Coordinating Group to add a re-
23 quirement for an individual to obtain the necessary
24 certification to serve in—

1 (A) the position of a single-resource boss;
2 and

3 (B) any other positions determined to be
4 necessary by the Secretaries.

5 (2) ADDITIONAL EXPERIENCE.—The Secre-
6 taries shall require significant additional experience,
7 gained exclusively during a prescribed fire, to obtain
8 a certification described in paragraph (1).

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

16 (1) shall not be subject to criminal prosecution;
17 and

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

21 (e) INDEMNITY OF OTHER COOPERATORS.—Except
22 in the case of gross negligence, an individual or entity in-
23 volved in a prescribed fire on Federal land or under Fed-
24 eral authority, if that prescribed fire escaped or caused
25 loss or damage—

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

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

6 (f) INDEMNITY FOR PRESCRIBED FIRES.—Except in
7 the case of gross negligence, an individual or entity in-
8 volved in a prescribed fire on any land, if that prescribed
9 fire escaped, caused harm or damage, or required suppres-
10 sion resources—

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

14 (2) shall not be liable for monetary damages for
15 loss or damage to any natural resource or timber
16 values on Federal land.

17 (g) ENHANCING INTEROPERABILITY BETWEEN FED-
18 ERAL AND NON-FEDERAL PRACTITIONERS.—

19 (1) QUALIFICATION DATABASES AND DISPATCH
20 SYSTEMS.—The Secretaries shall establish a collabo-
21 rative process to create mechanisms for non-Federal-
22 agency fire practitioners, including those without ju-
23 risdictional authority, to be included in wildfire re-
24 source ordering and reimbursement processes.

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

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

9 (B) create agreements and structures nec-
10 essary to include non-Federal-agency and other
11 nontraditional partners in direct work with
12 Federal agencies to address prescribed fires;
13 and

14 (C) treat any prescribed fire practitioner
15 meeting the National Wildfire Coordinating
16 Group standards as eligible to be included in
17 statewide participating agreements.

18 **SEC. 203. LIABILITY OF CERTIFIED PRESCRIBED FIRE MAN-**
19 **AGERS.**

20 (a) DEFINITION OF COVERED LAW.—In this section,
21 the term “covered law” means a State law that establishes
22 the standard of care in a civil suit against a certified pre-
23 scribed fire manager for an escaped prescribed fire to be
24 “gross negligence”, if the certified prescribed fire man-
25 ager—

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

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

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

6 (4) ensured adequate personnel, equipment, and
7 firebreaks were in place during the prescribed fire,
8 in accordance with the written prescribed fire plan;
9 and

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

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

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

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

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

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

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

16 (2) The design and administration of such a
17 fund.

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

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

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

3 (B) the impact of State liability laws on the
4 availability and affordability of insurance for pre-
5 scribed fire; and

6 (C) how States may be incentivized to enact
7 laws clearly establishing and reducing practitioner li-
8 ability for civil suits and suppression and investiga-
9 tion cost recovery.

10 **SEC. 205. ENVIRONMENTAL REVIEW.**

11 (a) SMOKE MANAGEMENT AGENCIES.—

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

15 (A) to facilitate greater use of prescribed
16 fire; and

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

20 (2) EXPENDITURE OF FUNDS.—The Secretaries
21 may expend funding appropriated for hazardous fuel
22 reduction to mitigate the impacts of smoke from
23 prescribed fire.

24 (3) COORDINATION AMONG FEDERAL, TRIBAL,
25 AND STATE AIR QUALITY AGENCIES AND FEDERAL,

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

10 (A) streamlining the decisionmaking proc-
11 ess for approving the use of prescribed fire
12 under a State, Tribal, or local government
13 smoke management program; and

14 (B)(i) promoting basic smoke management
15 practices;

16 (ii) disseminating information about basic
17 smoke management practices; and

18 (iii) educating landowners that use pre-
19 scribed fire about the importance of—

20 (I) using basic smoke management
21 practices; and

22 (II) including basic smoke manage-
23 ment practices as a component of a pre-
24 scribed fire plan.

25 (4) EXCEPTIONAL EVENT DEMONSTRATIONS.—

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

9 (i) the Secretary, the Secretary of Ag-
10 riculture, a State land management agen-
11 cy, or an Indian Tribe conducts a pre-
12 scribed fire on Federal land or State land,
13 as applicable, in accordance with a State
14 or Tribal smoke management program that
15 incorporates basic smoke management
16 practices; and

17 (ii) the prescribed fire described in
18 clause (i) contributes to an exceedance or
19 other violation of a national ambient air
20 quality standard under section 109 of the
21 Clean Air Act (42 U.S.C. 7409), as meas-
22 ured using a Federal reference monitor or
23 an equivalent method.

24 (B) DEMONSTRATION ASSISTANCE.—For
25 an exceedance or other violation described in

1 clause (ii) of subparagraph (A), the Secretary
2 or Secretary of Agriculture, with the concu-
3 rence of the State or Tribal air quality agency,
4 shall assist with the development of the dem-
5 onstration under that subparagraph.

6 (C) SAVINGS PROVISION.—Subparagraph
7 (A) shall not apply if the exceedance or other
8 violation described in clause (ii) of that sub-
9 paragraph is the result of—

10 (i) a violation of a smoke management
11 program;

12 (ii) a failure to use basic smoke man-
13 agement practices; or

14 (iii) a violation of permit conditions
15 relating to the protection of air quality and
16 public health.

17 (5) EXEMPTION FOR LARGE PRESCRIBED
18 FIRES.—

19 (A) FEDERAL LAND MANAGEMENT AGENCY
20 EXEMPTION.—Consistent with subsection (b) of
21 section 118 of the Clean Air Act (42 U.S.C.
22 7418), a prescribed fire conducted on Federal
23 land by the Secretary or the Secretary of Agri-
24 culture that burns more than 1,000 acres per
25 day shall be deemed to be in the paramount in-

1 terest of the United States and shall be exempt
2 from requirements with respect to the control of
3 pollution from Federal facilities under that Act
4 (42 U.S.C. 7401 et seq.) if the Secretary or the
5 Secretary of Agriculture determines that the
6 prescribed fire—

7 (i) will be conducted in an area where
8 the terrain or fuel load makes the area in-
9 accessible or unsafe for firefighting per-
10 sonnel;

11 (ii) is necessary to reduce hazardous
12 fuels;

13 (iii) will be conducted to minimize
14 smoke impacts on populated areas through
15 the use of basic smoke management prac-
16 tices; and

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

19 (B) STATE EXEMPTION.—If the Secretary
20 concerned conducts a prescribed fire that is
21 deemed to be in the paramount interest of the
22 United States under subparagraph (A) on Fed-
23 eral land, a prescribed fire conducted by a State
24 land management agency on State or private
25 land that is contiguous to that Federal land

1 shall be exempt from any applicable national
2 ambient air quality standards under section 109
3 of the Clean Air Act (42 U.S.C. 7409).

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

16 (i) will be conducted in an area where
17 the terrain or fuel load makes the area in-
18 accessible or unsafe for firefighting per-
19 sonnel;

20 (ii) is necessary to reduce hazardous
21 fuels;

22 (iii) will be conducted to minimize
23 smoke impacts on populated areas through
24 the use of basic smoke management prac-
25 tices; and

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

3 (D) SAVINGS PROVISION.—Consistent with
4 section 118(b) of the Clean Air Act (42 U.S.C.
5 7418(b))—

6 (i) an exemption granted under this
7 paragraph shall apply to the applicable en-
8 tity for a period of not more than 1 year;
9 and

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

19 (6) STATE AND TRIBAL STANDARDS.—

20 (A) APPROVAL OF STATE OR TRIBAL
21 STANDARDS.—Notwithstanding section 110 of
22 the Clean Air Act (42 U.S.C. 7410), when ap-
23 proving a State or Tribal implementation plan
24 under that section, the Administrator of the

1 Environmental Protection Agency may not ap-
2 prove any standards with respect to—

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

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

15 (B) STATE AND TRIBAL ENFORCEMENT.—
16 A State or an Indian Tribe may not enforce
17 standards in a State or Tribal implementation
18 plan that was approved under the Clean Air Act
19 (42 U.S.C. 7401 et seq.) before the date of en-
20 actment of this Act with respect to—

21 (i) preventing nuisance impacts that
22 result from prescribed fires that incor-
23 porate basic smoke management practices;
24 or

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

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

17 (7) EVALUATION.—The Secretary or the Sec-
18 retary of Agriculture, as applicable, shall conduct an
19 evaluation to facilitate learning new approaches for
20 predicting and preventing exceedances during subse-
21 quent prescribed fires if the Secretary or the Sec-
22 retary of Agriculture—

23 (A) conducts a prescribed fire on Federal
24 land—

1 (i) for which a demonstration is devel-
2 oped and submitted under paragraph
3 (4)(A); or

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

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

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

19 (A) wildland fire smoke prediction models;

20 (B) smoke impact display tools for the
21 public and decisionmakers;

22 (C) appropriate, cost-effective, and con-
23 sistent mitigation strategies for communities
24 impacted adversely by smoke from prescribed
25 fire;

1 (D) consistent nationally and scientifically
2 supported messages regarding personal protec-
3 tion equipment for the public; and

4 (E) prescribed fire activity tracking and
5 emission inventory systems for planning and
6 post-treatment accountability.

7 (b) DEVELOPMENT OF LANDSCAPE-SCALE FEDERAL
8 PRESCRIBED FIRE PLANS.—

9 (1) DEFINITION OF SECRETARY CONCERNED.—

10 In this subsection, the term “Secretary concerned”
11 means—

12 (A) the Secretary of Agriculture, with re-
13 spect to a unit of the National Forest System;
14 and

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

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

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

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

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

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

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

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

15 (A) comply with—

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

18 (ii) the Endangered Species Act of
19 1973 (16 U.S.C. 1531 et seq.);

20 (iii) division A of subtitle III of title
21 54, United States Code; and

22 (iv) any other applicable laws; and

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

1 (4) COLLABORATIVE DEVELOPMENT.—In car-
2 rying out paragraph (2), 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 (5) 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 (6) 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 Secretary of Agriculture, act-
20 ing through the Chief of the Forest Service, and the Sec-
21 retary, acting through the Director of the Office of
22 Wildland Fire, shall carry out a national prescribed fire
23 education program focused on fire ecology and prescribed
24 fire planning and implementation.

1 (b) PROGRAM ELEMENTS.—A prescribed fire edu-
2 cation program authorized under subsection (a) may in-
3 clude—

4 (1) public service advertisements;

5 (2) the use of social media;

6 (3) campaign and educational activities and ma-
7 terials;

8 (4) commercial licensing;

9 (5) character images and appearances; and

10 (6) awards and recognition.

11 **TITLE III—REPORTING**

12 **SEC. 301. ANNUAL REPORTS TO THE NATIONAL FIRE PLAN-** 13 **NING AND OPERATIONS DATABASE.**

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

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

21 (c) ELIGIBILITY FOR FUNDS.—If, by December 31
22 of each year, a State has not reported to the National Fire
23 Planning and Operations Database, at a minimum, the
24 number of acres mitigated using prescribed fire in the
25 State, the State shall not be eligible to receive any

1 amounts made available under this Act for the previous
2 fiscal year.

3 **SEC. 302. ANNUAL IMPLEMENTATION REPORT.**

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