Alliance for Wildfire Resilience
Legislation Analysis

National Prescribed Fire Act of 2025

Bill Number	TBD
Chamber	Senate
Sponsors	Sen. Wyden (D-OR), Sen. Budd (R-NC)
Key Links	**Text:** https://www.wyden.senate.gov/imo/media/doc/the_national_prescribed_fire_act.pdf **Press Release:** https://www.wyden.senate.gov/news/press-releases/as-wildfire-season-approaches-wyden-budd-schrier-and-valadao-unveil-bipartisan-legislation-to-reduce-impacts-of-wildfires
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For more information, contact Leslie Neu-Lamping (leslie@alliancewr.org)

Summary

The Bill

This bill seeks to encourage and expand the cross-boundary use of prescribed and cultural fire by the federal government and partners, particularly in the western and southeastern United States. It recognizes the role of cultural burning by tribes and seeks to increase coordination and inclusion of such practices in fire planning, agreements, contracts, training, and federal liability. The bill requires the Department of the Interior and Agriculture to increase prescribed burning by 10 percent every year for the next 10 years through policies and practices such as prescribed fire operational strategies and a Collaborative Prescribed Fire Program. The bill expands cooperative agreements and contracts for prescribed burning between federal agencies and partners. It entitles federal wildland fire staff to hazard pay while on prescribed burns, expands wildland fire hiring pathways for certain populations, and clarifies partner coverage under the Federal Tort Claims Act while participating on burns on federal lands. The bill requires land management agencies to coordinate with local, state, and tribal air quality authorities to increase the use of prescribed fire while protecting public health and support the use of the exceptional events pathway under the Clean Air Act. The bill requires agencies to coordinate on smoke management, mitigation, and prediction research and engage in a national prescribed fire education program.

The Commission

The Commission broadly recommended the increased use of beneficial fire through prescribed and cultural burning. The Commission recognized the barriers to increasing the use of beneficial fire and sought to mitigate these challenges through significantly increased investments in cross-boundary prescribed fire operations, more efficient contracting and coordination between the federal agencies and partners, improved training and recruitment and resource ordering of the wildland fire mitigation workforce, and increased support for interagency smoke mitigation and air quality management.

About the Commission
In response to the urgent and growing threat of wildfire, Congress established the Wildland Fire Mitigation and Management Commission in the 2021 Infrastructure Investment and Jobs Act to create a nonpartisan group of experts and impacted parties to review nearly every facet of the wildfire system, from fire preparedness and mitigation through emergency response to wildfire recovery. With 50 members, the commission brought together a rare diversity of backgrounds, experiences, and expertise to address the wildfire crisis, reaching full consensus on a sweeping set of 167 policy recommendations for congressional action to address the rising risk of wildfire. The Commission delivered its two reports back to Congress in 2023 to provide an important roadmap for changing our wildfire outcomes.[1]

Looking across the whole of the Commission's work, policy recommendations can be loosely grouped into seven key themes. These themes include the need for urgent new approaches to wildfire, the importance of collaboration, the essential shift from reactive to proactive action, the critical nature of beneficial fire, the fundamental role of expanding and supporting the wildfire workforce, the need to modernize wildfire-related science and technology, and the importance of investing in wildfire resilience as a nation. Some Commission recommendations are very specific, recommending changes to existing statute, while others are more directional in nature, recommending shifts in the approach to wildfire while leaving the technical details as to how these shifts should occur to Congress.

Methodology

AWR provides a summary of both the bill text and Commission recommendations, evaluating bill alignment with Commission recommendations. Based upon this analysis, AWR uses specific terminology to indicate how draft legislative text aligns with Commission recommendations in both direction and execution. Definitions of terms are shown in the table below.

	Direction	Execution
Strong	✔	✔
Partial	✔	Not all elements of the recommendation included, or additional pathways for execution will be needed.
Weak	On-topic but direction and/or execution is poorly aligned	
Oppositional	Components of the bill are antithetical to a specific recommendation or theme of the Commission report in either direction or execution.	

[1] See On Fire: the final report of the Wildland Fire Mitigation and Management Commission (September 2023) and Aerial Equipment Strategy Report (January 2023)

Recommendations at a Glance

Rec.	Recommendation Topic	Bill Ref. (Sec. #)	Alignment
R11	Tort protections for prescribed fire	Sec. 203	**Strong**
R12	Prescribed fire strategic plans	Sec. 103	**Strong**
R13	Prescribed fire targets	Sec. 103	**Strong**
R24	Cross-boundary funding	Sec. 102, Sec. 104	**Strong**
R28	Coordination with Tribes	Sec. 102, 103, 204	**Partial**
R41	Beneficial fire and public health	Sec. 204	**Partial**
R42	Smoke exceptional events	Sec. 204	**Strong**
R43	Smoke preparedness	Sec. 204	**Partial**
R44	Smoke monitoring and alert system	Sec. 204	**Weak**
R53	Accessible resource ordering	Sec. 202	**Partial**
R54	Access to training for partners	Sec. 102, Sec. 202	**Partial**
R55	Workforce training opportunities	Sec. 202	**Partial**
R84	Wildland fire workforce wages and benefits	Sec. 202	**Partial**
R85	Efficient hiring pathways	Sec. 202	**Partial**
R88	Workforce recruitment	Sec. 202	**Partial**
R89	Restoration and mitigation workforce	Sec. 202	**Partial**
R90	Improved contracts, grants, and agreements	Sec. 201	**Partial**
R95	Workforce training	Sec. 202	**Partial**
R96	Tribal relations training	Sec. 202	**Partial**
R109	Research for beneficial fire use and public health	Sec. 204	**Partial**

Section-by-Section Analysis

Sec. 1: Short Title

What the Bill Does: This Act may be cited as the ‘‘National Prescribed Fire Act of 2025’’.

Sec. 2: Definitions

What the Bill Does: A *prescribed fire* means “a fire deliberately ignited to burn wildland fuels in a natural or modified state (a) under specified environmental conditions that are intended to allow the fire to be confined to a predetermined area and produce the fireline intensity and rate of spread required to attain planned resource management objectives and (b) in accordance with applicable law (including regulations).

A *landscape-scale prescribed fire plan* means a decision document prepared pursuant to the National Environmental Policy Act (NEPA) that (a) covers a unit of the National Forest System, a Bureau of Land Management district, or a subunit of such a unit or district; (b) analyzes the site-specific environmental consequences of prescribed fire on these lands; and (c) removes the need for subsequent decisions pursuant to NEPA with respect to the land covered under the plan

Title I - Use of Funds

Sec. 101: Definition of prescribed fire

What the Bill Does: This section excludes fire that is ignited for the primary purpose of pile burning from the definition of *prescribed fire*.

Sec. 102: Prescribed fire funding

What the Bill Does: This section describes the hazardous fuel activities related to prescribed fire that may be funded under this bill. Activities include:

- Entering into contracts or cooperative agreements for prescribed fire activities.
- Issuing grants to state, tribal or local governments, prescribed fire councils, prescribed burn associations, or nonprofits for implementing prescribed fire. Grants may be used for environmental reviews, site preparation, and pre-ignition cultural or environmental surveys.
- Conducting outreach to tribes, adjacent landowners, and the public.
- Implementing prescribed fires on federal or non-federal lands that would benefit federal land resources, including carrying out environmental reviews, site preparation, and preignition cultural and environmental surveys.
- Providing training on prescribed fire and basic smoke management practices for federal employees and cooperators.
- Conducting post-prescribed fire activities, such as monitoring hazard trees, reignitions, and conducting invasive species management.
- Providing technical or financial assistance to state, tribal, or local governments, prescribed fire councils, prescribed burn associations, or nonprofits for prescribed fire and smoke management

training consistent with National Wildfire Coordinating Group (NWCG) or state prescribed fire standards.
- Providing funding for a Collaborative Prescribed Fire Program (see Sec. 104)

The Secretaries will coordinate with state, local, and tribal governments and any other applicable non-governmental organization to establish prioritization criteria for funding these activities. Priority shall be given to projects that are across large continuous areas; cross-boundary in nature; in an area within/adjacent to the wildland-urban interface (WUI) and identified under a statewide forest action plan or Community Wildfire Protection Plan (CWPP) as a priority area; identified as important to the protection of a tribal trust resource, reserved right, or treaty right; on lands at high or very high risk of wildfire; in an area designated as critical habitat and in need of ecological restoration or enhancement that prescribed fire could help achieve; or supportive of a potential operational definition (POD) or strategic response zone. The Department of the Interior and Agriculture may not use more than 15 percent (not to exceed $10mil/year between 2025 through 2034) of yearly hazardous fuel funds for the activities described above.

What the Commission Said*:* The Commission recognized the need for significant investments in landscape-scale, cross boundary hazardous fuel treatments, both through mechanical and beneficial fire activities (R17). Such investments should prioritize non-federal partners' accessibility of funds through methods such as cost-sharing and match waivers. Additionally, the Commission noted the challenges inherent to cross-boundary work and broadly called for new or expanded authorizations and appropriations to allow for greater flexibility of funds across boundaries (R24).

In general, the Commission called for greater inclusion of states, Tribes, local government, and communities in federal decisionmaking and project implementation. Specifically, the Commission called for greater coordination with Tribes in land management planning (R28). In recommending a reinforcement of federal agency requirements to coordinate with Tribes, the Commission recognized the complex political and legal relationship between the federal government and Indian Tribes. The Commission encouraged agencies to activate all available policies and pathways to engage in coordination with Tribes.

Lastly, the Commission saw a need for increased access to qualifications and training opportunities for all partners (R54) and called for additional opportunities for non-federal partners to receive more opportunities to enroll in training courses and complete necessary training assignments. Critically, the Commission did not want to see creation of a duplicative certification process, but rather identified coordination with NWCG as an important pathway for better access to the existing system.

Specific Relevant Commission Recommendations	
R24	**Recommendation:** *Increase the flexibility of federal funds to move across boundaries.*
	Addressed In: Sec. 102
	Analysis: This section includes activities that would allow for funding to move across boundaries through contracts and agreements for implementing prescribed fire on non-federal lands.

	Alignment: ***Strong***
R28	**Recommendation:** *Congress should reinforce federal agency requirements for coordination with Tribes when engaging in land management planning.*
	Addressed In: Sec. 102
	Analysis: This section requires the Secretaries to coordinate with tribes (and other non-federal entities) when prioritizing the funding for prescribed fire projects. Though not the focus of this section, this provision partially reinforces agency requirements to coordinate with tribes on land management planning
	Alignment: ***Partial***
R54	**Recommendation:** *Increase access to qualifications and training opportunities for all partners.*
	Addressed In: Sec. 102
	Analysis: This section allows hazardous fuels funding to be used for prescribed fire and smoke management training consistent with NWCG or state prescribed fire standards for partners. However, this section only addresses training for prescribed fire and not the holistic suite of opportunities recommended by the Commission.
	Alignment: ***Partial***

Sec. 103: Policies and practices

What the Bill Does: This section states that for the next 10 years the Secretaries of Agriculture and Interior will increase the total acres burned with prescribed fire each year by 10 percent. To accomplish this, the Secretaries will develop, in coordination with state, local, and tribal governments, a prescribed fire operational strategy for each region of the National Forest System or Department of the Interior. Each operational strategy will describe the fire deficit of each region and the staffing/funding needed to address this deficit.

What the Commission Said*:* In general, the Commission recognized the need for greater beneficial fire on the landscape, either through prescribed or cultural fire or wildland fire for resource benefit. Specifically, the Commission recommended that federal agencies should work with partners to create national strategic plans for prescribed fire (R12). These long-term plans should be collaboratively developed and account for the unique ecosystems and fire regimes of the area and incorporate Indigenous fire knowledge. Towards setting prescribed fire targets in such plans, the Commission recommended that targets should be determined locally with consideration for an area's fire regime and return intervals, invasive species concerns, and unique ecology (R13). Lastly, the Commission called for greater inclusion of states, tribes, local government, and communities in federal decisionmaking and project implementation. And specifically, the Commission called for greater coordination with Tribes in land management planning (R28).

Specific Relevant Commission Recommendations	
R12	**Recommendation:** *Federal agencies should work with Tribes, states, and local partners to develop a strategic plan for the implementation of prescribed fire at a national scale.*
	Addressed In: Sec. 103
	Analysis: The prescribed fire operational strategies described in this section are to be developed in coordination with tribes, states, and local governments; thus, this section is strongly aligned with the recommendation.
	Alignment: ***Strong***
R13	**Recommendation:** *Establish a prescribed fire target based on natural fire regimes as determined locally.*
	Addressed In: Sec. 103
	Analysis: In addition to increasing prescribed fire acreage targets by 10 percent each year, the prescribed fire operational strategies will describe the fire deficits and means of addressing these deficits by each region; thus, this section strongly aligns with the localized approach of the Commission recommendation.
	Alignment: ***Strong***
R28	**Recommendation:** *Congress should reinforce federal agency requirements for coordination with Tribes when engaging in land management planning.*
	Addressed In: Sec. 103
	Analysis: This section requires the Secretaries to coordinate with tribes (and other non-federal entities) when developing the prescribed fire operational strategies. Though not the focus of this section, this provision partially reinforces agency requirements to coordinate with tribes on land management planning
	Alignment: ***Partial***

Sec. 104: Collaborative Prescribed Fire Program

What the Bill Does: The Secretaries of the Interior and Agriculture will establish a Collaborative Prescribed Fire Program to select and fund prescribed fire projects based on the prioritization criteria in Sec. 102, applicable land use and management plans, and other federal laws.

Eligible projects must be consistent with a landscape restoration strategy that identifies and prioritizes prescribed fire treatments for a 10-year period within a landscape that is not less than 50,000 acres and composed primarily of forested federal land–it may include other federal, state, tribal or private lands–in need of active ecosystem restoration or maintenance activities to retain the land's wildfire-resilient state. Landscape restoration strategies must also incorporate the best available science and scientific application tools to identify project areas, fully maintain or contribute to the restoration of old growth stands, not

create permanent roads, and include funding to decommission all constructed temporary roads under the strategy.

Eligible projects must be developed and implemented through a collaborative process that include multiple interested persons representing diverse interests and be transparent and non exclusive. The project must describe the project's collaborative process, including a description of the planned state, local, and tribal government participation and consultation, and any record of successful collaborative planning and implementation of prescribed fire projects in the proposal by the collaborators.

Eligible projects must describe plans to reduce the risk of uncharacteristic wildfire; improve fish and wildlife habitat, including for endangered/threatened/sensitive species; maintain or improve water quality and watershed function; prevent, remediate, or control exotic species; maintain, decommission and rehabilitate roads and trails. Additionally, eligible projects must describe plans to report annually on performance, take into account applicable CWPPs, and mitigate smoke impact on nearby communities.

Eligible projects must include an analysis of anticipated cost savings, such as those resulting from a reduced risk of wildfire damages and a decrease in the unit costs of implementing ecological restoration treatments over time.

Eligible projects must include estimates of the amount of annual federal funding necessary and the amount of new non-federal investments that will be leveraged for implementing the proposed project.

Eligible projects must propose to benefit local economies by providing local employment or training opportunities through contracts, grants, or agreements for planning, design, implementation, or monitoring with local private, nonprofit, or cooperative entities, Youth Conservation Corps crews, small or micro businesses, etc.

Proposals for projects will be submitted to the appropriate Regional Forester (USFS), State Director (DOI), or similar official. These officials will nominate to the applicable Secretary any eligible project. In the event that the project involves both Department's lands, the official will follow a concurrent nomination process with both Secretaries. In the event that the project involves land outside of both Departments' jurisdiction (e.g., private or state lands), a nomination will include evidence that the landowner intends to participate in and provide appropriate funding to carry out the proposed activities.

In selecting projects, the Secretaries will consult with each other and select eligible projects, giving special consideration to: the strength of the landscape and ecological restoration strategies and collaborative processes; the achievement of long-term wildfire risk reduction and increased protection of high-value resources; the extent to which non-federal investments would be leveraged; and the geographic diversity of projects implemented.

The Secretaries may not select more than 20 proposals each fiscal year nor more than can receive adequate funding. Selected projects must submit annual reports on the number of acres treated with prescribed fire and the amount of federal and non-federal funds used under the project. The Secretaries will submit a report of the entire Collaborative Prescribed Fire Program every 5 years.

A Secretary shall not provide more than $20mil/year in total funding for all projects under this program and shall not provide more than $1mil/year for any 1 project under this program. Funding will not be provided for a project for more than 10 years, and funding will be canceled for any project that fails to meet its annual accomplishments for 3 consecutive years.

What the Commission Said*:* In general, the Commission recognized the need for increased inclusion of partners and communities in federal decisionmaking and project implementation. Additionally, the Commission recognized the need for significant investments in landscape-scale, cross-boundary mechanical and beneficial fire hazardous fuel treatments (R17). In combining these two goals, the Commission broadly called for greater flexibility of funds to cross jurisdictional boundaries (R24).

Specific Relevant Commission Recommendations	
R24	**Recommendation:** *Increase the flexibility of federal funds to move across boundaries.*
	Addressed In: Sec. 104
	Analysis: This section funds collaborative prescribed fire projects that would allow for funding to move across boundaries through contracts and agreements for implementing prescribed fire on non-federal lands.
	Alignment: ***Strong***

Title II - Facilitating Implementation and Outreach

Sec. 201: Cooperative agreements and contracts

What the Bill Does: The Secretaries of the Interior and Agriculture may enter into cooperative agreements or contracts with states, tribes, local government, fire districts, nongovernmental organizations and private entities to allow them to coordinate, plan, or conduct a prescribed fire on federal land. Any cooperative agreement or contract may authorize these entities to conduct a series of prescribed fires on federal land for up to 10 years. Additionally, the Secretaries may authorize a state, tribe, or county entering into such cooperative agreements or contracts to subcontract with other entities to conduct a prescribed fire on federal land.

What the Commission Said*:* The Commission recognized the significant impact of the non-federal workforce—such as those employed by state, local, and tribal governments, nongovernmental organizations, and private companies—on the preparation, mitigation, response, and recovery phases of wildfire. To better integrate and expand the non-federal workforce the Commission recommended making contracts easier to implement, creating long-term funding timelines, and increasing flexibility to waive match requirements for grants and agreements (R90).

Specific Relevant Commission Recommendations

R90	**Recommendation:** *Improve the contracts, grants and agreements process and expand investments in the non-federal workforce.*
	Addressed In: Sec. 201
	Analysis: This section authorizes federal agencies to enter into long-term cooperative agreements and contracts with partners; thus, expanding investments and improving processes with the non-federal workforce. However, this section only addresses prescribed fire activities and not the holistic suite of activities recommended by the Commission.
	Alignment: ***Partial***

Sec. 202: Human resources

What the Bill Does: This section entitles any federal employee under any classification series to hazard pay when carrying out work directly related to the ignition, management, and control of prescribed fire. Additionally, the Secretaries of the Interior and Agriculture will submit to Congress a joint report describing ways to attract and retain skilled fuels workforce, including any pay incentives that would account for or offset the more competitive pay option offered during wildfire suppression assignments.

The Secretaries shall, within 180 days of enactment, establish at least one multiparty task force of federal employees and non-federal entities within each Geographic Area Coordination Center (GACC) to plan, lead, and support prescribed fire across ownership boundaries that are priorities at the landscape, region, state, or federal level. Each task force will be assigned a dedicated federal employee to aid in partnership agreement administration and cross-boundary coordination. The Secretaries may enter into cooperative agreements to carry out these task forces.

The Secretaries may noncompetitively convert a federal seasonal employee to a federal permanent employee if the employee's job duties include wildland firefighting, received 3 years of "fully successful" performance appraisal ratings, and the job duties and performance standards of the converting permanent position emphasize implementing prescribed fires.

The Secretaries, in consultation with the Attorney General and state departments of corrections, will seek to provide career pathways, training, and wrap-around support services (e.g., partnership with the Corp Network) to formerly incarcerated individuals to work as prescribed fire practitioners. Formerly incarcerated individuals include those convicted and imprisoned for a criminal offense–except arson or a violent crime and, during their imprisonment, served on a wildland firefighting crew or received comparable training.

The Secretaries shall support the recruitment, development, and participation of underutilized employees in the wildland fire workforce, including by fostering leadership opportunities, mentorship networks, and training. Underutilized employees are determined by the Secretaries.

The Secretaries, in consultation with the Secretary of Veterans Affairs, will seek to provide career pathways to veterans to work as prescribed fire practitioners and establish veteran crews to conduct

prescribed fires. Veterans are individuals who served in the active military, naval, or air service and were discharged or released under conditions other than dishonorable.

The Secretaries will, within 2 years after enactment, establish, operate, and facilitate a prescribed fire training program or center that offers training in prescribed fire within each GACC region where such a program or center does not already exist. In addition, the Secretaries will support the establishment of an Indigenous-led prescribed fire and cultural burning training center operated by a tribe or in partnership with tribes.

The Secretaries, incoordination with the Fire Executive Council, will task the National Wildfire Coordinating Group (NWCG) with adjusting training requirements to reduce the time required to obtain supervisory certifications for prescribed fires (e.g., Burn Bosses) while requiring significant experience gained exclusively during prescribed fire to gain such a certification.

The Secretaries will establish a collaborative process to create mechanisms for non-federal-agency fire practitioners to be included in prescribed fire and wildfire ordering and reimbursement processes. The Secretaries will develop a partnership agreement for prescribed fire with all relevant state, federal, tribal, university, and non government entities included in these processes; create agreements and structures necessary to include non-federal-agency and other non-traditional partners in direct work with federal agencies to address prescribed fires; and treat any prescribed fire practitioner meeting applicable NWCG standards as eligible to be included in statewide participating agreements.

What the Commission Said*:* The Commission recognized the limitations of the current resource ordering systems for non-federal partners and recommended that a task force be created to explore making these systems more accessible for all qualified personnel (R53). The Commission also saw a need for increased access to qualifications and training opportunities for all partners (R54) within the existing NWCG certification system. Importantly, the Commission recognized the need to expand the overall number, type, and capacity of training opportunities for both federal and non-federal entities, particularly for the mitigation and recovery workforce (R55). The Commission specifically called out opportunities for investing in prescribed fire training exchanges, leadership academies, agency administrator training, and planning and post-fire recovery training.

The Commission strongly supported sustained pay increases for wildland firefighters, seeing it as an urgent need (R84). Specifically, the Commission recommended expanding hazard pay to prescribed fire operations and other pay incentives for the mitigation workforce. In addition, the Commission recommended increasing and streamlining the hiring pathways for the wildland firefighters so to increase workforce size and diversity (R85). In particular, the Commission highlighted reducing hiring timelines, localizing hiring systems, and increasing recruitment for women and underrepresented racial and ethnic groups. To accomplish this, the Commission also noted the importance of sustaining and growing the total workforce—both federal and non-federal—to address the rising risk of wildfire, including capacity to plan projects to mitigate risk, work with communities, and recover from fire. As such, the Commission recommended supporting expanded recruitment strategies across partners and sectors of the wildfire workforce (R88). Specifically, it recommended investing in a workforce primarily focused on restoration and mitigation, including those focused on community risk reduction, prescribed fire, fuel treatments, or post-fire restoration (R89). With these investments, the Commission saw the need to expand training

opportunities for the mitigation and management workforce, such as through Community Risk Reduction and Mitigation Training, prescribed fire and Indigenous-led cultural fire exchanges, and expanded training partnerships with conservation corps, community colleges, local job training programs, and universities (R95). Importantly, such training should be respectful and inclusive of Indigenous Knowledge, tribal cultural practices and sovereignty (R96).

Specific Relevant Commission Recommendations	
R53	**Recommendation:** *Congress should direct a task force to explore the potential to improve the national resource ordering and status system and ensure that it is more accessible to qualified entities and individuals.*
	Addressed In: Sec. 202
	Analysis: This section describes collaborative processes and actions to improve accessibility to both wildfire and prescribed fire ordering and reimbursement systems for non-federal-agency fire practitioners. While the Commission recommended a task force, this bill is in line with the goal of increased accessibility for qualified non-federal entities and individuals.
	Alignment: ***Partial***
R54	**Recommendation:** *Increase access to qualifications and training opportunities for all partners.*
	Addressed In: Sec. 202
	Analysis: This section requires adjustments to NWCG training requirements for supervisory roles in prescribed fire operations which are held by both federal and non-federal firefighters; thus, this section does increase access to qualifications and training opportunities for all partners. However, it only addresses prescribed fire activities and not the holistic suite of training opportunities recommended by the Commission.
	Alignment: ***Partial***
R55	**Recommendation:** *Create and fund more training opportunities for the mitigation and management response workforce.*
	Addressed In: Sec. 202
	Analysis: This section creates new training centers for prescribed fire—including an Indigenous-led center—and requires adjustments to NWCG training requirements for supervisory roles in prescribed fire operations; thus, creating more training opportunities for the mitigation workforce. However, this section only addresses prescribed fire activities and not the holistic suite of mitigation activities recommended by the Commission.
	Alignment: ***Partial***
R84	**Recommendation:** *Increase wages and benefits for the federal wildland fire workforce*
	Addressed In: Sec. 202

	Analysis: This section entitles federal employees to hazard pay for prescribed fire activities—a key component of this Commission recommendation—and would investigate other pay incentives for prescribed fire operations; however, the section does not address the holistic increase of wildland firefighter pay and benefits recommended by the Commission.
	Alignment: ***Partial***
R85	**Recommendation:** *Create efficient hiring pathways which support development of a larger, more diverse, and inclusive workforce.*
	Addressed In: Sec. 202
	Analysis: This section addresses federal hiring of underutilized, formerly incarcerated, and veteran employees into prescribed fire focused wildland fire roles; thus, creating more hiring pathways for an inclusive workforce. However, this section does not address increasing hiring efficiencies and only addresses specific employees and not the holistic suite of diverse and inclusive populations recommended by the Commission.
	Alignment: ***Partial***
R88	**Recommendation:** *Congress should provide funding and authorization for expanded recruitment strategies.*
	Addressed In: Sec. 202
	Analysis: This section addresses federal hiring of underutilized, formerly incarcerated, and veteran employees into prescribed fire focused wildland fire roles; thus, providing expanded recruitment strategies. However, this section only addresses specific populations and not the holistic suite of recruitment strategies recommended by the Commission.
	Alignment: ***Partial***
R89	**Recommendation:** *Invest in the creation of a workforce primarily focused on restoration and mitigation.*
	Addressed In: Sec. 202
	Analysis: This section addresses pathways for prescribed fire focused wildland fire positions; thus, investing in a restoration and mitigation workforce. However, this section only addresses prescribed fire activities and not the holistic suite of mitigation activities recommended by the Commission.
	Alignment: ***Partial***
R95	**Recommendation:** *Create and fund more training opportunities for the mitigation and management workforce.*
	Addressed In: Sec. 202

	Analysis: This section addresses training for the prescribed fire workforce; however, it focuses on prescribed fire activities and not the holistic suite of mitigation training—such as community wildfire risk reduction and mitigation training—recommended by the Commission.
	Alignment: ***Partial***
R96	**Recommendation:** *Ensure that fire mitigation and management personnel are trained in and respectful of Tribal sovereignty and cultural practices.*
	Addressed In: Sec. 202
	Analysis: This section creates an Indigenous-led prescribed fire and cultural burning training center; however, it does not ensure that the broader fire mitigation and management workforce is trained in respectful tribal sovereignty and cultural practices.
	Alignment: ***Partial***

Sec. 203: Liability of prescribed fire managers

What the Bill Does: The Secretaries, in coordination with the Attorney General, will develop a voluntary training course for federal employees doing prescribed fire to describe employees' liability protections, the limits of these protection, and the reimbursements available for employees via professional liability insurance under federal law.

The section considers any non-federal entity to be an employee of the federal government for purposes under the Federal Tort Claims Act while engaged in wildland fire, prescribed fire, or prescribed fire with cultural objectives activities on federal lands. The Secretaries will request, through annual appropriations, enough funds to reimburse the Treasury for any claims paid during the previous fiscal year under this provision.

What the Commission Said*:* The Commission recognized that tribal and non-federal cooperators face legal uncertainty when participating on prescribed or cultural burns on federal lands. This uncertainty, along with the limited availability of private insurance for burning, remains a widespread deterrent for non-federal partners' involvement in burn operations on federal lands. To address these concerns, the Commission recommended that Congress extend, or at least clarify, coverage under the Federal Tort Claims Act for non-federal partners (R11).

Specific Relevant Commission Recommendations	
R11	**Recommendation:** *Congress should consider and clarify the extent to which the Federal Tort Claims Act provides protection to Tribes and non-federal cooperators burning on federal lands*
	Addressed In: Sec. 203
	Analysis: This section clarifies that non-federal entities are to be considered employees of the federal government under the Federal Tort Claims Act when engaged on prescribed, cultural,

	or wildland fire activities on federal lands. Additionally, it provides funding for claims paid under this section. This is strongly aligned with the recommendation of the Commission.
	Alignment: *Strong*

Sec. 204: Environmental review

What the Bill Does: The Secretaries will ensure that all policies, training and programs facilitate greater use of prescribed fire and address public health and safety, including impacts from wildfire and prescribed fire smoke. To facilitate the use of prescribed fire, the Administrator of the Environmental Protection Agency (EPA), in cooperation with federal and state land management agencies, will coordinate with air quality agencies that regulate smoke under the Clean Air Act. The purpose of this coordination is to provide air quality agencies with guidance, data, imagery, modeling, decision support tools, archives, and automated tools to support the development of exceptional event demonstrations. Coordination seeks to provide technical assistance, best practices, or templates to state, tribal, and local governments for use in approving prescribed fire use or supporting smoke management programs. Concerning smoke management, entities will coordinate to promote basic smoke management practices to landowners using prescribed fire to protect the public from wildland fire smoke and share information with the public about measures to protect themselves from wildland fire smoke. Lastly, entities will coordinate to develop guidance and tools to streamline the demonstration of a clear causal relationship between prescribed fire smoke and an exceedance of a national ambient air quality standard.

A state or tribal air quality agency may develop and submit to the EPA Administrator and exceptional events demonstration for a prescribed fire. The EPA Administrator will approve the exceptional events demonstration in accordance with regulation, including that the prescribed fire was not reasonably controlled or preventable and that it was a human activity unlikely to recur, if the air quality agency demonstrates that the prescribed fire was conducted in accordance with a state or tribal smoke management program or basic smoke management practices and was consistent with a land or resource management plan with a stated objective to establish, restore, or maintain a sustainable and resilient ecosystem. For any prescribed fire conducted on federal land, the relevant Secretary will assist with the development of an exceptional event demonstration at the request of a state or tribal air quality agency and may develop and submit such a demonstration with approval of the applicable air quality agency.

The Secretaries, in coordination with the EPA Administrator and Director of the Centers for Disease Control and Prevention will conduct research to improve or develop wildland fire smoke prediction models; smoke impact display tools; strategies to mitigate prescribed fire smoke impacts to communities; messaging regarding personal protective equipment; and prescribed fire tracking and emission inventory systems.

The National Forest System and Bureau of Land Management (BLM) districts with existing prescribed fire programs will, within 1 year, determine which of these units have landscape-scale prescribed fire plans and will, within 2 years, determine which of these landscape-scale plans need revision and then schedule such revisions. Additionally, the agencies will develop landscape-scale prescribed fire plans for those areas that do not have such plans. All relevant federal laws will apply, including NEPA and ESA, and the Secretaries will collaborate with relevant non-federal partners where applicable. And in creating

these plans, the Secretary will collaborate with academia, agency research and development programs, non-governmental organizations, and cultural fire practitioners, and will engage in government-to-government consultation with tribes.

***What the Commission Said**:* Broadly, the Commission strongly supported the increased use and support of beneficial fire—either through prescribed or cultural burning or wildfire managed for resource benefit— to restore ecosystem health and protect communities from catastrophic wildfire. It also recognized the need to balance beneficial fire use with protecting the public from the health impacts of smoke. To accomplish this balance, the Commission recognized the need for increased coordination across federal agencies and increased coordination with local, state, tribal air quality organizations (R41).

Additionally, the Commission called for an expeditious evaluation of current federal air quality regulations and guidance with the intent of accommodating both the increased uses of beneficial fire and the protection of public health (R42). Specifically, the Commission recommended such an evaluation look at the exceptional events pathway under the Clean Air Act and ways in which air quality authorities can document and exclude wildfire and beneficial fire smoke from regulatory significance.

With the expanded use of beneficial fire, the Commission also recognized the importance and necessity to prepare the public for living safely with smoke. Yet, it highlighted that current resources and efforts in smoke education and preparedness are limited and fragmented across organizations. As such, the Commission recommended that new and existing investments should be made to increase individual and community smoke preparedness through infrastructure, communication, and education improvements (R43). To support this, the Commission also called for expanded investments in smoke monitoring and alerting to provide better data for land managers, public health agencies, and the public (R44). Increasing the availability of smoke sensors and speciation monitors were seen as especially critical; however, the Commission did not limit its call for increased investments to equipment, but also including support for increased smoke management personnel and continued operation of successful existing programs (e.g., the Interagency Wildland Fire Air Quality Response Program). Still, recognizing the importance of data and equipment, the Commission also called for investments in data collection, research, and technology to support the use of beneficial fire while protecting human health (R109). Recognizing the role of beneficial fire, as well as the health impacts of smoke, the Commission saw the need for tools and platforms to help balance these mutual needs.

Lastly, in implementing the above recommendations, the Commission called for greater coordination with Tribes throughout land management planning (R28).

Specific Relevant Commission Recommendations	
R28	**Recommendation:** *Congress should reinforce federal agency requirements for coordination with Tribes when engaging in land management planning.*
	Addressed In: Sec. 204
	Analysis: This section requires the USFS and BLM to revise and develop landscape-scale prescribed fire plans and requires government-to-government consultation with tribes in

	creating the plans. Though not the focus of this section, this provision partially reinforces agency requirements to coordinate with tribes on land management planning
	Alignment: *Partial*
R41	**Recommendation 41:** *While enabling proactive use of beneficial fire, Congress should increase the capacity of federal agencies, including Environmental Protection Agency, Health and Human Services, the U.S. Department of Agriculture, and Department of the Interior to work with state, local and Tribal governments to ensure that air quality, public health, and land management programs work toward minimizing impacts of smoke to human health and to ensure communities and individuals are better prepared for anticipated smoke from all forms of wildland fire.*
	Addressed In: Sec. 204
	Analysis: This section directs the Secretaries to both facilitate greater use of prescribed fire and to address public health and safety, including impacts from smoke. This prioritization of both public health and prescribed fire is strongly aligned with the intent of the Commission. However, the Commission also desired to see the capacity of public health agencies increased specifically with respect to wildfire smoke; that element of the recommendation is lacking from the bill.
	Alignment: Partial
R42	**Recommendation 42:** *Direct the Environmental Protection Agency, the Department of the Interior, and the U.S. Department of Agriculture to work together to expeditiously evaluate current federal regulations and guidance around the treatment of smoke from wildland fire in air quality management programs with the intent of ensuring the programs can accommodate increased use of beneficial fire. Such an evaluation includes the exceptional events pathway and making any necessary changes to enhance programmatic and procedural ease and clarity while ensuring protection of public health, in a manner consistent with the Clean Air Act. Further, Congress should provide resources to ensure federal, state, and local authorities can expand their capacity to document and exclude wildfire and beneficial fire smoke from regulatory significance.*
	Addressed In: Sec. 204
	Analysis: This section addresses the interagency evaluation of prescribed fire's treatment under air quality regulations and programs—in particular the exceptional events pathway—with the purpose of enhancing beneficial fire use while protecting public health. Additionally, this section provides support and resources for non-federal air quality authorities to expand their capacity to analyze smoke impacts on air quality standards.
	Alignment: *Strong*
R43	**Recommendation 43:** *Invest in existing and new community and individual preparedness efforts, infrastructure development, public communication and engagement opportunities, and*

	mitigation programs at the federal, state, local, Tribal, and territorial level to reduce smoke impacts to human health.
	Addressed In: Sec. 204
	Analysis: This section instructs the public health and land management agencies to research various topics related to wildland and prescribed fire smoke which could include new community mitigation or protective measures; however, the Commission recommended an extensive set of tools to support individual and community smoke preparedness, including public communication and engagement opportunities.
	Alignment: Partial
R44	**Recommendation 44:** *Invest in a nationally consistent smoke monitoring and alert system to provide consistent, real-time information and forecasts on air quality impacts from wildland fire.*
	Addressed In: Sec. 204
	Analysis: This section directs public health and land management agencies to research smoke prediction models and to create smoke impact display tools; however, it does not directly invest in monitoring or alert systems. Furthermore, this section lacks any connection to the National Weather Service to broadcast hazard alerts related to smoke.
	Alignment: Weak
R109	**Recommendation 109:** *Invest in existing and new data collection, data availability, advanced technologies, and research to support use of beneficial fire while protecting human health and documenting emissions levels.*
	Addressed In: Sec. 204
	Analysis: This section directs public health and land management agencies to research topics that support the use of beneficial fire while protecting human health; however, the bill lacks investments (e.g., funding) for these provisions.
	Alignment: Partial

Sec. 205: Prescribed fire education program

What the Bill Does: The Secretaries of the Interior and Agriculture will carry out a national prescribed fire education program focused on fire ecology and prescribed fire planning and implementation. Such a program may include public service advertisements; the use of social media; campaign and education activities and materials; commercial licensing; character images and appearances; and awards and recognition.

What the Commission Said*:* The Commission did not make any recommendations concerning national-level education campaigns and instead focused on localized or topic specific education programs (e.g., for local community risk reduction).

Title III - Reporting

Sec. 301: Annual resorts to National Fire Planning and Operations Database

What the Bill Does: The purpose of this section is to ensure an accurate reporting of annual prescribed fire accomplishments in the United States. To serve this purpose, the Secretary may provide financial assistance to states to share the costs associated with annually reporting to the National Fire Planning and Operations Database a state's prescribed fire accomplishment. If a state has not submitted its report by the end of the calendar year, the state shall not be eligible to receive amounts made available under this Act for the previous fiscal year.

Sec. 302: Annual implementation report

What the Bill Does: Within 1 year, the Secretaries shall each submit to Congress a report describing the activities carried out under this Act.