

114TH CONGRESS
1ST SESSION

S. 1100

To require State and local government approval of prescribed burns on
Federal land during conditions of drought or fire danger.

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2015

Mr. THUNE introduced the following bill; which was read twice and referred sequentially to the Committee on Agriculture, Nutrition, and Forestry by unanimous consent with instructions that if the bill is reported by that Committee, the bill be referred to the Committee on Energy and Natural Resources

A BILL

To require State and local government approval of prescribed
burns on Federal land during conditions of drought or
fire danger.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prescribed Burn Ap-
5 proval Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) GRASSLAND FIRE DANGER INDEX.—The
2 term “grassland fire danger index” means a system
3 for classifying grassland fire danger according to a
4 range of low to moderate to high to very high to ex-
5 treme, produced by the National Weather Service.

6 (2) PRESCRIBED BURN.—The term “prescribed
7 burn” means a planned fire intentionally ignited or
8 a naturally occurring fire allowed to burn to meet
9 management objectives authorized by law (including
10 regulations).

11 **SEC. 3. LIMITATIONS ON PRESCRIBED BURNS.**

12 (a) IN GENERAL.—Except as provided in subsection
13 (b), the head of a Federal agency shall not authorize a
14 prescribed burn on Federal land if, for the county or con-
15 tiguous county in which the Federal land is located, any
16 of the following conditions are present:

17 (1) The grassland fire danger index indicates a
18 high, very high, or extreme danger of grassland fire.

19 (2) The Chief of the Forest Service has de-
20 clared a very high or extreme fire danger.

21 (b) EXCEPTION.—The head of a Federal agency may
22 authorize a prescribed burn under a condition described
23 in subsection (a) if the head of the Federal agency obtains
24 prior approval from the applicable State government and
25 local fire officials.

1 (c) LIABILITY.—

2 (1) IN GENERAL.—A head of a Federal agency
3 that authorizes a prescribed burn shall be liable for
4 any damage to private property caused by the pre-
5 scribed burn, notwithstanding chapter 171 of title
6 28, United States Code (commonly known as the
7 “Federal Tort Claims Act”) or any State law.

8 (2) DAMAGES.—The head of a Federal agency
9 liable for damages under paragraph (1) shall pay the
10 damages within 120 days of receipt of a substan-
11 tiated claim.

12 (d) REPORT.—At the end of each fiscal year, the
13 Chief of the Forest Service shall submit to Congress a re-
14 port describing—

15 (1) the number and locations of prescribed
16 burns during that fiscal year; and

17 (2) each prescribed burn during that fiscal year
18 that was authorized by the head of a Federal agency
19 pursuant to subsection (b).

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