

Amendment offered by Rep. Jim Costa

Amendment description

Re-inserts Sec. 8418 from the 2024 House Farm Bill concerning contracting with States and Tribes for prescribed fires.

AMENDMENT

OFFERED BY Mr. Costa

At the end of part II of subtitle D of title VIII, add the following:

1 **SEC. 8421. COOPERATIVE AGREEMENTS AND CONTRACTS**
2 **FOR PRESCRIBED FIRE.**

3 (a) **AUTHORITY TO ENTER INTO AGREEMENTS AND**
4 **CONTRACTS FOR PRESCRIBED FIRE.—**

5 (1) **AUTHORIZATION.**—The Secretary, the Sec-
6 retary of the Interior, and the Secretary of Defense
7 may each enter into a cooperative agreement or con-
8 tract with an eligible entity, for a period of not more
9 than 10 years, that authorizes the eligible entity to
10 coordinate, plan, or conduct a prescribed fire on
11 Federal land or to conduct a prescribed fire training
12 event.

13 (2) **SUBCONTRACTS.**—A State, Indian Tribe, or
14 county that enters into a cooperative agreement or
15 contract under paragraph (1) may enter into a sub-
16 contract, in accordance with applicable contracting
17 procedures of the State, Indian Tribe, or county, to
18 conduct a prescribed fire on Federal land or to con-

1 duct a prescribed fire training event pursuant to
2 such cooperative agreement or contract.

3 (3) APPLICABLE LAW.—A prescribed fire con-
4 ducted under this subsection shall be carried out on
5 a project-by-project basis under existing authorities
6 of the applicable Federal agency responsible for the
7 management of the Federal land.

8 (4) PRESERVATION OF DECISION AUTHORITY.—
9 An eligible entity may not carry out a project au-
10 thorized under this subsection pursuant to a cooper-
11 ative agreement or contract without the prior writ-
12 ten approval of each Secretary party to such cooper-
13 ative agreement or contract.

14 (5) DEFINITIONS.—In this subsection:

15 (A) ELIGIBLE ENTITY.—The term “eligible
16 entity” means a State, Indian Tribe, county
17 government, local government, military installa-
18 tion (as defined in section 2801(c) of title 10,
19 United States Code), fire district, nongovern-
20 mental organization, or private entity.

21 (B) STATE.—The term “State” means any
22 State of the United States, the District of Co-
23 lumbia, the Commonwealth of Puerto Rico, the
24 Northern Mariana Islands, the United States
25 Virgin Islands, Guam, American Samoa, and

1 any other territory or possession of the United
2 States.

3 (b) TRIBAL FOREST PROTECTION ACT OF 2004
4 AMENDMENTS.—The Tribal Forest Protection Act of
5 2004 (25 U.S.C. 3115a et seq.) is amended—

6 (1) in section 2(a), by adding at the end the
7 following new paragraph:

8 “(5) STATE.—The term ‘State’ means any
9 State of the United States, the District of Columbia,
10 the Commonwealth of Puerto Rico, the Northern
11 Mariana Islands, the United States Virgin Islands,
12 Guam, American Samoa, and any other territory or
13 possession of the United States.”; and

14 (2) by adding at the end the following new sec-
15 tion:

16 **“SEC. 4. TRIBAL PRESCRIBED BURN DEMONSTRATION**
17 **PROJECT.**

18 “(a) IN GENERAL.—The Secretary may enter into a
19 contract or agreement with an Indian tribe under this Act
20 that provides for prescribed burns on Federal land under
21 the additional authorities provided in this section.

22 “(b) SCOPE OF CONTRACT OR AGREEMENT.—Not-
23 withstanding any other provision of law, a contract or
24 agreement entered into under this section may—

1 “(1) utilize a burn plan that, once approved by
2 the Secretary, allows multiple prescribed burns to be
3 conducted in accordance with the burn plan to elimi-
4 nate the need for individual burn plans for each pre-
5 scribed burn and enable forest managers to have the
6 flexibility to conduct prescribed burns when condi-
7 tions allow; and

8 “(2) include terms that—

9 “(A) authorize the Secretary to delegate to
10 an Indian tribe the authority of the Secretary
11 to plan, coordinate, and execute prescribed
12 burns on the behalf of the Secretary within the
13 scope of the burn plan, including applying the
14 National Wildfire Coordinating Group Stand-
15 ards for Prescribed Fire Planning and Imple-
16 mentation, to the extent authorized by Federal
17 law;

18 “(B) any applicable Federal standard that
19 requires a certain number of personnel to be
20 on-hand during prescribed burns may be satis-
21 fied by regional Federal, State, or tribal re-
22 sources and personnel; and

23 “(C) where appropriate, the Secretary shall
24 work with other Federal agencies and Tribal,
25 State, and local governments to coordinate and

1 communicate the shared objectives of the pre-
2 scribed burn and ensure activities comply with
3 applicable law and regulations.”.

4 (c) COOPERATIVE FUNDS AND DEPOSITS ACT
5 AMENDMENTS.—Public Law 94–148 is amended—

6 (1) in section 1 (16 U.S.C. 565a-1), by insert-
7 ing “prescribed fire and prescribed fire training
8 events,” after “including fire protection,”; and

9 (2) in section 2 (16 U.S.C. 565a-2), by insert-
10 ing “section 3 of the Tribal Forest Protection Act
11 of 2004, or section 8418(a) of the Farm, Food, and
12 National Security Act of 2024,” after “authorized
13 by section 1,”.

