

114TH CONGRESS
2D SESSION

H. R. 6029

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

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 14, 2016

Mrs. NOEM (for herself and Mr. CRAMER) introduced the following bill; which
was referred to the Committee on Natural Resources, and in addition to
the Committee on Agriculture, for a period to be subsequently determined
by the Speaker, in each case for consideration of such provisions as fall
within the jurisdiction of the committee concerned

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 2016”.

6 **SEC. 2. PRESCRIBED BURN APPROVAL.**

7 (a) DEFINITIONS.—In this section:

1 (1) NATIONAL FIRE DANGER RATING SYS-
2 TEM.—The term “national fire danger rating sys-
3 tem” means the national system used to provide a
4 measure of fire danger according to a range of low
5 to moderate to high to very high to extreme.

6 (2) PRESCRIBED BURN.—The term “prescribed
7 burn” means a planned fire intentionally ignited.

8 (b) LIMITATIONS ON PRESCRIBED BURNS.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the head of a Federal agency shall not
11 authorize a prescribed burn on Federal land if, for
12 the county or contiguous county in which the Fed-
13 eral land is located, the national fire danger rating
14 system indicates an extreme fire danger level.

15 (2) EXCEPTION.—The head of a Federal agen-
16 cy may authorize a prescribed burn under a condi-
17 tion described in paragraph (1) if the head of the
18 Federal agency coordinates with the applicable State
19 government and local fire officials.

20 (3) LIABILITY.—

21 (A) IN GENERAL.—If the head of a Fed-
22 eral agency authorizes a prescribed burn, the
23 United States shall be liable for any damage to
24 private property caused by the prescribed burn,
25 notwithstanding chapter 171 of title 28, United

1 States Code (commonly known as the “Federal
2 Tort Claims Act”) or any State law.

3 (B) DAMAGES.—If the United States is de-
4 termined to be liable for damages under sub-
5 paragraph (A), the United States shall pay the
6 damages within 120 days of receipt of a sub-
7 stantiated claim.

8 (4) REPORT.—At the end of each fiscal year,
9 the Chief of the Forest Service shall submit to Con-
10 gress a report describing—

11 (A) the number and locations of prescribed
12 burns during that fiscal year; and

13 (B) each prescribed burn during that fiscal
14 year that was authorized by the head of a Fed-
15 eral agency pursuant to paragraph (2).

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