

119TH CONGRESS
2D SESSION

S. 5045

To amend the Clean Air Act to modify the handling of air quality monitoring with respect to prescribed fires, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 21, 2026

Mr. CURTIS (for himself, Mr. MERKLEY, Mrs. CAPITO, Mr. PADILLA, Mr. BOOZMAN, and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Clean Air Act to modify the handling of air quality monitoring with respect to prescribed fires, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Wildfire Emissions
5 Prevention Act of 2026”.

6 **SEC. 2. AIR QUALITY MONITORING DATA INFLUENCED BY**
7 **EXCEPTIONAL EVENTS.**

8 (a) IN GENERAL.—Section 319(b) of the Clean Air
9 Act (42 U.S.C. 7619(b)) is amended—

1 (1) in paragraph (1)—

2 (A) in subparagraph (B)—

3 (i) in the matter preceding clause (i),
4 by striking “In this subsection, the” and
5 inserting “The”; and

6 (ii) by redesignating clauses (i)
7 through (iii) as subclauses (I) through
8 (III), respectively, and indenting appro-
9 priately;

10 (B) by redesignating subparagraph (B) as
11 clause (ii) and indenting appropriately;

12 (C) by striking the paragraph designation
13 and heading and all that follows through “ex-
14 ceptional event.” at the end of subparagraph
15 (A)(iv) and inserting the following:

16 “(1) DEFINITIONS.—In this subsection:

17 “(A) EXCEPTIONAL EVENT.—

18 “(i) IN GENERAL.—The term ‘excep-
19 tional event’ means an event—

20 “(I)(aa) that—

21 “(AA) affects air quality;

22 “(BB) is not reasonably con-
23 trollable or preventable; and

24 “(CC) is an event caused by
25 human activity that is unlikely to

1 recur at a particular location or a
 2 natural event; or

3 “(bb) that is a prescribed fire;

4 and

5 “(II) that is—

6 “(aa) determined by the Ad-
 7 ministrator, through the process
 8 established in the regulations re-
 9 vised under paragraph (2)(B), to
 10 be an exceptional event; or

11 “(bb) deemed to be an ex-
 12 ceptional event pursuant to a
 13 State petition deemed to be ap-
 14 proved pursuant to paragraph
 15 (3)(B)(v).”; and

16 (D) by adding at the end the following:

17 “(B) PRESCRIBED FIRE.—

18 “(i) IN GENERAL.—The term ‘pre-
 19 scribed fire’ means a fire deliberately ig-
 20 nited in accordance with applicable law (in-
 21 cluding regulations) to burn wildland fuels
 22 in a natural or modified state under speci-
 23 fied environmental conditions that are in-
 24 tended to allow the fire to be confined to
 25 a predetermined area and produce the

1 fireline intensity and rate of spread re-
 2 quired to attain planned resource manage-
 3 ment objectives.

4 “(ii) INCLUSION.—The term ‘pre-
 5 scribed fire’ includes cultural burning ac-
 6 tivities, as determined by an Indian tribe.”;

7 (2) in paragraph (2), by striking subparagraph
 8 (B) and inserting the following:

9 “(B) REVISION OF REGULATIONS.—

10 “(i) PROPOSED REVISIONS.—Not later
 11 than 270 days after the date of enactment
 12 of the Wildfire Emissions Prevention Act
 13 of 2026, the Administrator, after consulta-
 14 tion with Federal land managers, State air
 15 pollution control agencies, State foresters,
 16 State fish and wildlife agencies, and Indian
 17 tribes, shall publish in the Federal Reg-
 18 ister any necessary revisions to existing
 19 regulations promulgated under this sec-
 20 tion—

21 “(I) to reduce the burden and
 22 cost for States to demonstrate an ex-
 23 ceptional event;

24 “(II) to clarify the eligibility of
 25 prescribed fires as exceptional events

1 pursuant to the definition in para-
 2 graph (1)(A); and

3 “(III) to establish the procedure
 4 for the review of State petitions de-
 5 scribed in paragraph (3)(B)(iv).

6 “(ii) FINAL REVISIONS.—Not later
 7 than 180 days after the date on which the
 8 Administrator publishes proposed revisions
 9 to regulations promulgated under this sec-
 10 tion under clause (i), and after providing
 11 an opportunity for interested persons to
 12 make oral presentations of views, data, and
 13 arguments regarding the proposed revi-
 14 sions, the Administrator shall finalize those
 15 revisions to govern air quality monitoring
 16 data influenced by exceptional events that
 17 are consistent with paragraph (3).”;

18 (3) in paragraph (3)—

19 (A) in subparagraph (A)—

20 (i) by redesignating clauses (ii)
 21 through (v) as clauses (iii) through (vi), re-
 22 spectively;

23 (ii) by inserting after clause (i) the
 24 following:

“(ii) the principle that prescribed fire can play an important role in reducing the magnitude and frequency of wildfires;”; and

(iii) in clause (iv) (as so redesignated), by striking “manner, an appropriate” and inserting “manner in an appropriate”; and

(B) in subparagraph (B)—

(i) in clause (ii), by inserting “or, for prescribed fire, be reasonably expected to exist,” after “must exist”;

(ii) in clause (iii), by striking “and” at the end;

(iii) in clause (iv)—

(I) by striking “with respect to exceedances” and inserting the following: “with respect to—

“(I) exceedances”;

(II) in subclause (I) (as so designated), by striking the period at the end and inserting “; and”; and

(III) by adding at the end the following:

1 “(II) the designation, redesigna-
2 tion, classification, or reclassification
3 of an area, the determination of at-
4 tainment of a national ambient air
5 quality standard, or other determina-
6 tions by the Administrator for deter-
7 mining compliance with this Act;
8 and”;

9 (iv) by adding at the end the fol-
10 lowing:

11 “(v)(I) a State petition described in
12 clause (iv) be approved, disapproved, or
13 approved-in-part and disapproved-in-part
14 by the Administrator by the date that is 1
15 year after the date on which the petition is
16 submitted; and

17 “(II) if the Administrator does not act
18 on a State petition described in clause (iv)
19 by that date, the State petition be deemed
20 approved unless the Administrator,
21 through the process established in the reg-
22 ulations revised under paragraph (2)(B),
23 subsequently determines that the event is
24 not an exceptional event.”;

1 (4) by striking paragraph (4) and inserting the
2 following:

3 “(4) REGIONAL, NATIONAL, OR INTERNATIONAL
4 EXCEPTIONAL EVENTS.—At the request of multiple
5 State or local government agencies or Tribal au-
6 thorities, the Administrator shall conduct analyses
7 or otherwise collaborate with such agencies or au-
8 thorities to lead the development of regional, na-
9 tional, or international exceptional event demonstra-
10 tions when exceptional events impact multijuris-
11 dictional areas.”.

12 (b) SAVINGS PROVISION.—Nothing in this section or
13 an amendment made by this section makes stationary
14 source (as defined in section 51.491 of title 40, Code of
15 Federal Regulations (as in effect on the date of enactment
16 of this Act)) emissions that did not qualify as an excep-
17 tional event (as defined in section 319(b)(1) of the Clean
18 Air Act (42 U.S.C. 7619(b)(1))) on the day before the
19 date of enactment of this Act an exceptional event under
20 that section after that date of enactment.

21 **SEC. 3. SMOKE READY COMMUNITIES PROGRAM.**

22 (a) ESTABLISHMENT.—Subject to the availability of
23 appropriations, the Administrator of the Environmental
24 Protection Agency (referred to in this section as the “Ad-
25 ministrator”) may make competitive grants under section

1 103(b)(3) of the Clean Air Act (42 U.S.C. 7403(b)(3))
 2 to eligible entities for the assessment, prevention, control,
 3 or abatement of wildfire smoke hazards in community
 4 buildings, including school buildings (as defined in section
 5 11 of the Asbestos School Hazard Detection and Control
 6 Act of 1980 (20 U.S.C. 3610)), and related activities.

7 (b) ELIGIBLE ENTITIES.—The entities eligible for a
 8 grant under subsection (a) are—

- 9 (1) States;
- 10 (2) federally recognized Indian Tribes; and
- 11 (3) any entities eligible for grants under section
 12 103(b)(3) of the Clean Air Act (42 U.S.C.
 13 7403(b)(3)).

14 (c) COST SHARE.—

15 (1) IN GENERAL.—Subject to paragraph (2),
 16 the Federal share of the cost of an activity carried
 17 out using a grant under subsection (a) shall be not
 18 more than 90 percent.

19 (2) WAIVER.—The Administrator may waive
 20 the cost-share requirement under paragraph (1) if
 21 the facility that is the subject of the activity for
 22 which the grant is provided is in an economically
 23 distressed community.

24 (d) LIMITATION.—Of the amounts made available
 25 each fiscal year for grants under this section, not more

1 than 25 percent may be awarded to recipients in any 1
 2 State.

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