

119TH CONGRESS
2D SESSION

S. 5087

To amend the Clean Air Act to modify the definition of renewable biomass for purposes of the renewable fuel standard, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 22, 2026

Mr. MERKLEY (for himself, Mrs. HYDE-SMITH, Mr. PADILLA, Mr. KENNEDY, Mrs. SHAHEEN, Mr. KING, and Ms. COLLINS) 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 definition of renewable biomass for purposes of the renewable fuel standard, 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 Reduction
5 Market Expansion Act of 2026”.

6 **SEC. 2. DEFINITION OF RENEWABLE BIOMASS.**

7 Section 211(o)(1)(I) of the Clean Air Act (42 U.S.C.
8 7545(o)(1)(I)) is amended—

1 (1) by redesignating each of clauses (i) through
 2 (vii) as subclauses (I) through (VII), respectively,
 3 and indenting appropriately;

4 (2) in the matter preceding subclause (I) (as so
 5 redesignated), by striking “The term” and inserting
 6 the following:

7 “(i) IN GENERAL.—The term”;

8 (3) by striking subclause (II) (as so redesign-
 9 nated) and inserting the following:

10 “(II) Materials generated from
 11 forest products manufacturing and
 12 wood products manufacturing, includ-
 13 ing wood residuals, paper residuals,
 14 sawdust, wood, wood chips, shavings,
 15 bark, sanderdust, and paper recycling
 16 residuals (excluding paper in the form
 17 and type commonly recycled).”;

18 (4) by striking subclauses (IV) and (V) (as so
 19 redesignated) and inserting the following:

20 “(IV) Trees, shrubs, and parts of
 21 trees or shrubs, including slash and
 22 storm debris, from—

23 “(aa) non-Federal land
 24 that—

1 “(AA) is managed
2 under a forest sustainability
3 or logging company certifi-
4 cation program;

5 “(BB) is classified for
6 State or local property tax
7 purposes as forest land,
8 timberland, or land in cur-
9 rent use for forestry; or

10 “(CC) in accordance
11 with clause (ii), the land-
12 owner provides to the Ad-
13 ministrator an attestation
14 that the land is being man-
15 aged for long-term timber
16 production;

17 “(bb) land within the Na-
18 tional Forest System (as defined
19 in section 11(a) of the Forest
20 and Rangeland Renewable Re-
21 sources Planning Act of 1974
22 (16 U.S.C. 1609(a))) or public
23 lands (as defined in section 103
24 of the Federal Land Policy and
25 Management Act of 1976 (43

1 U.S.C. 1702)), if the Secretary of
2 Agriculture or the Secretary of
3 the Interior, as applicable and in
4 accordance with clause (ii), cer-
5 tifies to the Administrator, di-
6 rectly or through an authorized
7 officer, that the materials are—

8 “(AA) by-products from
9 commercial or noncommer-
10 cial land management activi-
11 ties or material generated
12 from fuel reduction treat-
13 ments, ecological restoration
14 projects, or pre-commercial
15 thinning;

16 “(BB) not reasonably
17 suitable for use as a sawlog,
18 as determined by the Sec-
19 retary of Agriculture or the
20 Secretary of the Interior, as
21 applicable; and

22 “(CC) sourced in a
23 manner consistent with all
24 applicable Federal laws and
25 regulations governing forest

1 management activities and
2 the applicable forest plan or
3 resource management plan;
4 or
5 “(cc) land—
6 “(AA) owned by an In-
7 dian tribe; or
8 “(BB) held in trust by,
9 or subject to a restriction
10 against alienation imposed
11 by, the United States for an
12 Indian tribe or individual In-
13 dian.
14 “(V) Vegetation obtained from—
15 “(aa) within the reasonably
16 established defensible space of a
17 structure or an infrastructure
18 asset, including a residential
19 structure, a commercial building,
20 and a public facility, in accord-
21 ance with applicable local law or,
22 if there is no applicable local law,
23 the most recent publication of the
24 International Wildland-Urban

1 Interface Code of the Inter-
2 national Code Council; or

3 “(bb) wildfire risk reduction
4 activities within the wildland-
5 urban interface (as defined in
6 section 101 of the Healthy For-
7 ests Restoration Act of 2003 (16
8 U.S.C. 6511)).”; and

9 (5) by adding at the end the following:

10 “(ii) CERTIFICATION AND ATTESTA-
11 TION REQUIREMENTS.—A certification or
12 attestation to the Administrator under this
13 subparagraph may be in the form of a let-
14 ter given to the person seeking to generate
15 credits under this subsection from—

16 “(I) with respect to the attesta-
17 tion required under clause
18 (i)(IV)(aa)(CC), the non-Federal land-
19 owner; and

20 “(II) with respect to the certifi-
21 cation required under clause
22 (i)(IV)(bb), the local office of the De-
23 partment of Agriculture or the De-
24 partment of the Interior with author-

1 ity over the applicable forest plan or
2 resource management plan.

3 “(iii) INCLUSION.—For the purpose of
4 this subparagraph, the term ‘non-Federal
5 land’ includes land owned by a Native Cor-
6 poration (as defined in section 3 of the
7 Alaska Native Claims Settlement Act (43
8 U.S.C. 1602)).

9 “(iv) SAVINGS CLAUSE.—Nothing in
10 clause (i)(IV)(bb) requires the applicable
11 forest plan or resource management plan
12 to expressly identify renewable fuel or bio-
13 mass energy as an intended end use of the
14 material, provided that the underlying
15 project, removal, sale, or disposition of the
16 material is otherwise authorized and con-
17 sistent with the applicable forest plan or
18 resource management plan.”.

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