119TH CONGRESS
2D SESSION

S. _____

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

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 _____

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Wildfire Emissions Prevention Act of 2026''.

SEC. 2. AIR QUALITY MONITORING DATA INFLUENCED BY EXCEPTIONAL EVENTS.

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

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) in the matter preceding clause (i), by striking ''In this subsection, the'' and inserting ''The''; and

(ii) by redesignating clauses (i) through (iii) as subclauses (I) through (III), respectively, and indenting appropriately;

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

(C) by striking the paragraph designation and heading and all that follows through ''exceptional event.'' at the end of subparagraph (A)(iv) and inserting the following:

''(1) DEFINITIONS.—In this subsection:

''(A) EXCEPTIONAL EVENT.—

''(i) IN GENERAL.—The term 'exceptional event' means an event—

''(I)(aa) that—

''(AA) affects air quality;

''(BB) is not reasonably controllable or preventable; and

''(CC) is an event caused by human activity that is unlikely to

recur at a particular location or a natural event; or

''(bb) that is a prescribed fire; and

''(II) that is—

''(aa) determined by the Administrator, through the process established in the regulations revised under paragraph (2)(B), to be an exceptional event; or

''(bb) deemed to be an exceptional event pursuant to a State petition deemed to be approved pursuant to paragraph (3)(B)(v).''; and

(D) by adding at the end the following:

''(B) PRESCRIBED FIRE.—

''(i) IN GENERAL.—The term 'prescribed fire' means a fire deliberately ignited in accordance with applicable law (including regulations) to burn wildland fuels in a natural or modified state under specified environmental conditions that are intended to allow the fire to be confined to a predetermined area and produce the

fireline intensity and rate of spread required to attain planned resource management objectives.

''(ii) INCLUSION.—The term 'prescribed fire' includes cultural burning activities, as determined by an Indian tribe.'';

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

''(B) REVISION OF REGULATIONS.—

''(i) PROPOSED REVISIONS.—Not later than 270 days after the date of enactment of the Wildfire Emissions Prevention Act of 2026, the Administrator, after consultation with Federal land managers, State air pollution control agencies, State foresters, State fish and wildlife agencies, and Indian tribes, shall publish in the Federal Register any necessary revisions to existing regulations promulgated under this section—

''(I) to reduce the burden and cost for States to demonstrate an exceptional event;

''(II) to clarify the eligibility of prescribed fires as exceptional events

pursuant to the definition in paragraph (1)(A); and

"(III) to establish the procedure for the review of State petitions described in paragraph (3)(B)(iv).

"(ii) FINAL REVISIONS.—Not later than 180 days after the date on which the Administrator publishes proposed revisions to regulations promulgated under this section under clause (i), and after providing an opportunity for interested persons to make oral presentations of views, data, and arguments regarding the proposed revisions, the Administrator shall finalize those revisions to govern air quality monitoring data influenced by exceptional events that are consistent with paragraph (3).";

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by redesignating clauses (ii) through (v) as clauses (iii) through (vi), respectively;

(ii) by inserting after clause (i) the 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'';

(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:

''(II) the designation, redesignation, classification, or reclassification of an area, the determination of attainment of a national ambient air quality standard, or other determinations by the Administrator for determining compliance with this Act; and''; and

(iv) by adding at the end the following:

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

''(II) if the Administrator does not act on a State petition described in clause (iv) by that date, the State petition be deemed approved unless the Administrator, through the process established in the regulations revised under paragraph (2)(B), subsequently determines that the event is not an exceptional event.''; and

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

''(4) REGIONAL, NATIONAL, OR INTERNATIONAL EXCEPTIONAL EVENTS.—At the request of multiple State or local government agencies or Tribal authorities, the Administrator shall conduct analyses or otherwise collaborate with such agencies or authorities to lead the development of regional, national, or international exceptional event demonstrations when exceptional events impact multijurisdictional areas.''.

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

SEC. 3. SMOKE READY COMMUNITIES PROGRAM.

(a) ESTABLISHMENT.—Subject to the availability of appropriations, the Administrator of the Environmental Protection Agency (referred to in this section as the ''Administrator'') may make competitive grants under section

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

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

(1) States;

(2) federally recognized Indian Tribes; and

(3) any entities eligible for grants under section 103(b)(3) of the Clean Air Act (42 U.S.C. 7403(b)(3)).

(c) COST SHARE.—

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

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

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

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