

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To require the Administrator of the Environmental Protection Agency to modify regulations with respect to drinking water State revolving funds, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. PADILLA (for himself, Mr. CURTIS, Mr. BOOZMAN, Mr. CRAPO, Mr. KELLY, Mr. MERKLEY, Mr. SCHIFF, and Mr. SHEEHY) introduced the following bill; which was read twice and referred to the Committee on

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**A BILL**

To require the Administrator of the Environmental Protection Agency to modify regulations with respect to drinking water State revolving funds, 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 “Firefighting Infra-  
5 structure for Rural and Exurban Smaller Municipalities  
6 Augmenting Residential Fuels Treatments Act of 2026”  
7 or the “FIRE SMART Act of 2026”.

1 **SEC. 2. REQUIRED REGULATORY REVISIONS.**

2 (a) IN GENERAL.—Not later than 2 years after the  
3 date of enactment of this Act, the Administrator of the  
4 Environmental Protection Agency (referred to in this sec-  
5 tion as the “Administrator”) shall—

6 (1) revise section 35.3505 of title 40, Code of  
7 Federal Regulations, to ensure that—

8 (A) the term “community at high risk  
9 from *fire or wildfire*” is defined to mean a com-  
10 munity located in an area with a high risk for  
11 fire or wildfire, in the built or natural environ-  
12 ment, as evidenced by a State wildfire map or  
13 a geospatial map generated pursuant to section  
14 210(a) of the Wildfire Suppression Funding  
15 and Forest Management Activities Act (16  
16 U.S.C. 6501 note; division O of Public Law  
17 115–141);

18 (B) the terms “rural” and “rural area”  
19 have the meaning given those terms in subpara-  
20 graph (A) of section 343(a)(13) of the Consoli-  
21 dated Farm and Rural Development Act (7  
22 U.S.C. 1991(a)(13)), subject to subparagraphs  
23 (H) and (I) of that section; and

24 (C) the term “water infrastructure for fire  
25 suppression” means improvements to a public  
26 water system for purposes that will facilitate

1 compliance with section 1412 of the Safe  
2 Drinking Water Act (42 U.S.C. 300g-1) or oth-  
3 erwise further the public health protection ob-  
4 jectives of that Act (42 U.S.C. 300f et seq.)  
5 and that aid in fire suppression for the protec-  
6 tion of public health, safety, and property from  
7 wildfire;

8 (2) revise section 35.3520 of that title—

9 (A) in subsection (b)(2)—

10 (i) in clause (ii) (relating to trans-  
11 mission and distribution), to insert “and  
12 enhancement of water system delivery and  
13 distribution capacity in a rural area to aid  
14 in fire suppression in communities at high  
15 risk from fire or wildfire” before the period  
16 at the end;

17 (ii) in clause (iv) (relating to storage),  
18 to insert “and enhancement of water infra-  
19 structure for fire suppression in a rural  
20 area in communities at high risk from fire  
21 or wildfire” before the period at the end;  
22 and

23 (iii) in clause (v) (relating to consoli-  
24 dation), to insert “or where necessary for  
25 enhancing water infrastructure for fire

1 suppression in a rural area in communities  
2 at high risk from fire or wildfire” before  
3 the period at the end;

4 (B) in subsection (e)(4), to insert “, except  
5 for projects specifically identified in paragraphs  
6 (b)(2)(ii), (b)(2)(iv), and (b)(2)(v) of this sec-  
7 tion that have both drinking water benefits and  
8 fire suppression benefits, for which priority  
9 shall be given to projects in communities that  
10 have adopted a community wildfire protection  
11 plan (as defined in section 101(a) of the  
12 Healthy Forests Restoration Act of 2003 (16  
13 U.S.C. 6511(a))) or have taken proactive meas-  
14 ures to encourage property owners to reduce  
15 fire risk on private property” before the period  
16 at the end; and

17 (3) revise section 35.3555(c)(1) of that title to  
18 add at the end the following: “In addition, the pri-  
19 ority system may include projects that improve both  
20 infrastructure for drinking water and water infra-  
21 structure for fire suppression in rural areas in com-  
22 munities at high risk from fire or wildfire.”; and

23 (4) make such purely technical and conforming  
24 revisions to the regulations of the Administrator as

1           are necessary to implement the revisions described in  
2           paragraphs (1) through (3).

3           (b) **IMMEDIATE EFFECT.**—Notwithstanding the pe-  
4           riod for revision required under subsection (a), beginning  
5           on the date of enactment of this Act, the Administrator  
6           shall implement sections 35.3505, 35.3520, and 35.3555  
7           of title 40, Code of Federal Regulations, in accordance  
8           with the revisions required under that subsection.