

118TH CONGRESS  
1ST SESSION

# S. 2387

To authorize the President to declare a smoke emergency, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Mr. MERKLEY (for himself, Mr. PADILLA, Mrs. FEINSTEIN, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To authorize the President to declare a smoke emergency,  
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 Smoke Emer-  
5 gency Declaration Act of 2023”.

6 **SEC. 2. ASSISTANCE FOR SMOKE EMERGENCY DECLARA-**  
7 **TION.**

8 (a) IN GENERAL.—The President may declare a  
9 smoke emergency in any State in which the President de-  
10 termines there is, or anticipates there will be, a significant

1 decrease in air quality due to wildland fire smoke in one  
2 or more States.

3 (b) REQUEST FROM GOVERNOR.—The Governor, or  
4 other appropriate agency, of a State that is or will be af-  
5 fected by a significant decrease in air quality due to  
6 wildland fire smoke may request a declaration under sub-  
7 section (a).

8 (c) ASSISTANCE.—If the President declares a smoke  
9 emergency under subsection (a), the President, acting  
10 through the Federal Emergency Management Agency and  
11 other appropriate Federal agencies, may provide smoke  
12 emergency assistance to States and local communities that  
13 are or will be affected by the smoke emergency, including  
14 grants, equipment, supplies, and personnel and resources  
15 for establishing smoke shelters, air purifiers, and addi-  
16 tional air monitoring sites.

17 (d) SBA GRANTS.—The Administrator of the Small  
18 Business Administration may provide grants to any small  
19 business concern, as defined in section 3 of the Small  
20 Business Act (15 U.S.C. 632), that loses a significant  
21 amount of revenue due to wildland fire smoke in an area  
22 in which the President has declared a smoke emergency  
23 under subsection (a).

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
2 are authorized to be appropriated such sums as may be  
3 necessary to carry out this Act.

4 **SEC. 3. BUDGET ADJUSTMENT FOR SMOKE EMERGENCY AS-**  
5 **SISTANCE.**

6 Section 251(b)(2) of the Balanced Budget and Emer-  
7 gency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2))  
8 is amended by adding at the end the following:

9 “(H) SMOKE EMERGENCY ASSISTANCE.—

10 “(i) If, for any fiscal year, appropria-  
11 tions for discretionary accounts are en-  
12 acted that Congress designates as being  
13 for smoke emergency assistance in statute,  
14 the adjustment for a fiscal year shall be  
15 the total of such appropriations for the fis-  
16 cal year in discretionary accounts des-  
17 ignated as being for smoke emergency as-  
18 sistance.

19 “(ii) For purposes of this subpara-  
20 graph, the term ‘smoke emergency assist-  
21 ance’ means assistance provided under a  
22 determination under section 2 of the Wild-  
23 fire Smoke Emergency Declaration Act of  
24 2023.

1                   “(iii) Appropriations considered smoke  
2                   emergency assistance under this subpara-  
3                   graph in a fiscal year shall not be eligible  
4                   for adjustments under subparagraph (A)  
5                   for the fiscal year.”.

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