

118TH CONGRESS
1ST SESSION

S. 2383

To amend the Clean Air Act to establish a grant program for supporting local communities in detecting, preparing for, communicating about, or mitigating the environmental and public health impacts of wildfire smoke and extreme heat, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Mr. MERKLEY (for himself, Mr. BENNET, Mrs. FEINSTEIN, Mr. BLUMENTHAL, Mr. PADILLA, Mr. FETTERMAN, Mr. WYDEN, and Mr. SANDERS) 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 establish a grant program for supporting local communities in detecting, preparing for, communicating about, or mitigating the environmental and public health impacts of wildfire smoke and extreme heat, 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 “Smoke and Heat
5 Ready Communities Act of 2023”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-
4 trator” means Administrator of the Environmental
5 Protection Agency.

6 (2) EXTREME HEAT.—The term “extreme
7 heat” has the meaning given the term through a
8 rulemaking of the Administrator, in consultation
9 with the heads of relevant Federal agencies.

10 (3) INDIAN TRIBE.—The term “Indian Tribe”
11 has the meaning given the term in section 4 of the
12 Indian Self-Determination and Education Assistance
13 Act (25 U.S.C. 5304).

14 (4) NATIVE HAWAIIAN ORGANIZATION.—The
15 term “Native Hawaiian organization” has the mean-
16 ing given the term in section 6207 of the Elemen-
17 tary and Secondary Education Act of 1965 (20
18 U.S.C. 7517).

19 **SEC. 3. SMOKE AND EXTREME HEAT-READY COMMUNITIES.**

20 Part A of title I of the Clean Air Act (42 U.S.C. 7401
21 et seq.) is amended by adding at the end the following:

22 **“SEC. 139. SMOKE AND EXTREME HEAT-READY COMMU-
23 NITIES.**

24 **“(a) DEFINITION OF EXTREME HEAT.—**The term
25 ‘extreme heat’ has the meaning given the term in section

1 2 of the Smoke and Heat Ready Communities Act of
2 2023.

3 “(b) ESTABLISHMENT.—Subject to the availability of
4 appropriations, the Administrator may make grants under
5 this section to air pollution control agencies to support air
6 pollution control agencies in developing and implementing
7 programs that support local communities in detecting,
8 preparing for, communicating with the public about, or
9 mitigating the environmental and public health aspects of
10 wildfire smoke and extreme heat.

11 “(c) ELIGIBLE ACTIVITIES.—In carrying out a pro-
12 gram described in subsection (b), an air pollution control
13 agency may use funds from a grant received under this
14 section for—

15 “(1) activities related to the monitoring of, the
16 interpretation of, and communicating with the public
17 about past, present, and future data related to ambi-
18 ent air quality conditions that are caused by wildfire
19 smoke and extreme heat;

20 “(2) conducting community outreach in areas
21 that may be prone to poor air quality that is attrib-
22 utable to elevated levels of particulate matter, ozone,
23 and other harmful components of wildfire smoke and
24 extreme heat;

1 “(3) the deployment of air quality monitoring
2 equipment in a manner that is sufficient to evaluate
3 an increased prevalence of poor air quality that is
4 attributable to elevated levels of particulate matter,
5 ozone, and other harmful components of wildfire
6 smoke and extreme heat;

7 “(4) equipping public buildings with air filtra-
8 tion systems that are capable of removing particu-
9 late matter and other harmful components of wild-
10 fire smoke and extreme heat from the air so that the
11 public buildings may serve as cleaner air spaces dur-
12 ing wildfire smoke events and extreme heat events
13 and other poor air quality events;

14 “(5) the purchase, storage, and distribution of
15 face masks and personal protective equipment, in-
16 cluding N-95 filtering facepiece respirators, portable
17 air filtration systems, and other masks and equip-
18 ment that are capable of removing or otherwise pre-
19 venting the inhalation of particulate matter, ozone,
20 and other harmful components of wildfire smoke and
21 extreme heat from the air;

22 “(6) subgrants or providing other financing to
23 private or other public entities with demonstrated fi-
24 nancial need—

25 “(A) to acquire protective gear; or

1 “(B) to carry out weatherization measures
2 to mitigate air infiltration; and

3 “(7) such other activities that the Adminis-
4 trator determines to be necessary to carry out the
5 purposes of this section.

6 “(d) ALLOCATION OF FUNDS.—

7 “(1) IN GENERAL.—Subject to paragraph (2),
8 the Administrator shall establish a formula to dis-
9 tribute grants under this section among air pollution
10 control agencies.

11 “(2) CONSIDERATIONS.—In establishing the
12 formula required under paragraph (1), the Adminis-
13 trator shall consider—

14 “(A) the vulnerability of communities with-
15 in a State to wildfire smoke and extreme heat;
16 and

17 “(B) the degree to which a State is prone
18 to poor air quality that is attributable to ele-
19 vated levels of particulate matter from wildfire
20 smoke and extreme heat.

21 “(e) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated such sums as are nec-
23 essary to carry out this section.”.

1 **SEC. 4. RESEARCH ON WILDFIRE SMOKE AND EXTREME**
2 **HEAT.**

3 (a) CENTERS OF EXCELLENCE.—

4 (1) IN GENERAL.—Not later than 180 days
5 after the date of enactment of this Act, the Adminis-
6 trator shall establish at institutions of higher edu-
7 cation (as defined in section 101(a) of the Higher
8 Education Act of 1965 (20 U.S.C. 1001(a))) 4 cen-
9 ters, each of which shall be known as a “Center of
10 Excellence for Wildfire Smoke and Extreme Heat”,
11 to carry out research relating to—

12 (A) the effects on public health, including
13 the health of outdoor workers, of—

14 (i) smoke emissions from wildland
15 fires; and

16 (ii) extreme heat; and

17 (B) means by which communities can bet-
18 ter respond to the impacts of—

19 (i) emissions from wildland fires; and

20 (ii) extreme heat events.

21 (2) PRIORITY.—In selecting institutions of
22 higher education (as so defined) at which to estab-
23 lish a center under paragraph (1), the Administrator
24 shall give priority to institutions of higher education
25 (as so defined) that—

1 (A) have established expertise with respect
 2 to air quality or dedicated centers of air quality
 3 research;

4 (B) have experience with relevant outreach
 5 and extension work;

6 (C) have established relationships with rel-
 7 evant Federal, State, and local agencies, com-
 8 munity organizations, Native Hawaiian organi-
 9 zations, and Indian Tribes; and

10 (D) are located in an area that is economi-
 11 cally or environmentally impacted by wildfire
 12 smoke or extreme heat.

13 (3) AUTHORIZATION OF APPROPRIATIONS.—

14 There is authorized to be appropriated to the Ad-
 15 ministrator to carry out this subsection \$10,000,000
 16 for fiscal year 2024 and each fiscal year thereafter.

17 (b) RESEARCH.—

18 (1) IN GENERAL.—Not later than 180 days
 19 after the date of enactment of this Act, the Adminis-
 20 trator shall begin to carry out research—

21 (A) to study the health effects of—

22 (i) smoke emissions from wildland
 23 fires; and

24 (ii) extreme heat;

1 (B) to develop and disseminate personal
2 and community-based interventions to reduce
3 exposure to and adverse health effects of—

4 (i) smoke emissions from wildland
5 fires; and

6 (ii) extreme heat;

7 (C) to increase the quality of smoke and
8 extreme heat monitoring and prediction tools
9 and techniques; and

10 (D) to develop implementation and com-
11 munication strategies.

12 (2) AUTHORIZATION OF APPROPRIATIONS.—

13 There is authorized to be appropriated to the Ad-
14 ministrator to carry out this subsection \$20,000,000
15 for fiscal year 2024 and each fiscal year thereafter.

16 **SEC. 5. COMMUNITY SMOKE AND EXTREME HEAT PLAN-**
17 **NING.**

18 (a) IN GENERAL.—Not later than 180 days after the
19 date of enactment of this Act, the Administrator shall es-
20 tablish a competitive grant program to assist eligible enti-
21 ties described in subsection (b) in developing and imple-
22 menting collaborative community plans for mitigating the
23 impacts of smoke emissions from wildland fires and ex-
24 treme heat.

1 (b) ELIGIBLE ENTITIES.—An entity that is eligible
2 to submit an application for a grant under subsection (a)
3 is—

4 (1) a State;

5 (2) a unit of local government (including any
6 special district, such as an air quality management
7 district or a school district);

8 (3) an Indian Tribe; or

9 (4) a Native Hawaiian organization.

10 (c) APPLICATIONS.—To be eligible to receive a grant
11 under subsection (a), an eligible entity described in sub-
12 section (b) shall submit to the Administrator an applica-
13 tion at such time, in such manner, and containing such
14 information as the Administrator may require, which shall
15 include a plan to collaborate with a public institution of
16 higher education (as defined in section 101(a) of the High-
17 er Education Act of 1965 (20 U.S.C. 1001(a))) or other
18 research institution that—

19 (1) has established expertise with respect to air
20 quality or dedicated centers of air quality research;

21 (2) has experience with relevant outreach and
22 extension work;

23 (3) has established relationships with relevant
24 Federal, State, and local agencies, community orga-

1 nizations, Native Hawaiian organizations, and In-
2 dian Tribes; and

3 (4) is located in an area that is economically or
4 environmentally impacted by wildfire smoke or ex-
5 treme heat.

6 (d) TECHNICAL ASSISTANCE.—The Administrator
7 may use amounts made available to carry out this section
8 to provide to eligible entities described in subsection (b)
9 technical assistance in—

10 (1) submitting grant applications under sub-
11 section (c); or

12 (2) carrying out projects using a grant under
13 this section.

14 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to the Administrator to
16 carry out this section \$50,000,000 for fiscal year 2024
17 and each fiscal year thereafter.

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