

117TH CONGRESS
1ST SESSION

S. 280

To direct the Administrator of the Federal Emergency Management Agency to revise the policy of the Agency to address the threats of climate change, to include considerations of climate change in the strategic plan of the Agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 2021

Mr. MARKEY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To direct the Administrator of the Federal Emergency Management Agency to revise the policy of the Agency to address the threats of climate change, to include considerations of climate change in the strategic plan of the Agency, 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 “FEMA Climate
5 Change Preparedness Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Under the previous Administration, the
2 term “climate change” was intentionally stripped
3 from the Agency’s 2018–2022 Strategic Plan, de-
4 spite the mounting threat posed by climate change
5 as a source of changing and increasing national dis-
6 aster risks.

7 (2) It is the general consensus of the global sci-
8 entific community that—

9 (A) the evidence of climate change is un-
10 equivocal;

11 (B) anthropogenic greenhouse gas emis-
12 sions are the primary cause of climate change;
13 and

14 (C) as a direct result of climate change,
15 sea levels are rising and extreme weather events
16 are becoming more commonplace and severe.

17 (3) The last 7 years have been the warmest
18 years on record since the National Oceanic and At-
19 mospheric Administration began recording global air
20 temperatures in 1895.

21 (4) In 2020, there were a record total of 22 cli-
22 mate disaster events with losses exceeding
23 \$1,000,000,000 in each to affect the United States,
24 amounting to 5 more disasters of such magnitude

1 than each of the previous record years of 2011 and
2 2017.

3 (5) It is the mission of FEMA to reduce the
4 loss of life and property and protect our institutions
5 from all hazards by leading and supporting the
6 United States in a comprehensive, risk-based emer-
7 gency management program of mitigation, prepared-
8 ness, response, and recovery.

9 (6) It is detrimental to the mission of FEMA,
10 and the Agency's ability to follow its mandate, to ex-
11 plicitly or implicitly deny or ignore the existence of
12 climate change or the implications of such on na-
13 tional security and national emergency management.

14 (7) To fully and effectively carry out its man-
15 date, FEMA must comprehensively assess and incor-
16 porate the current and future natural disaster risks
17 and impacts posed by climate change throughout the
18 Agency's policies, plans, programs, strategies, and
19 operations.

20 **SEC. 3. DEFINITIONS.**

21 In this Act:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of FEMA.

1 (2) AGENCY; FEMA.—The terms “Agency” and
2 “FEMA” mean the Federal Emergency Manage-
3 ment Agency.

4 (3) CLIMATE CHANGE.—The term “climate
5 change” means the long-term shifts in global and re-
6 gional climate patterns, and associated phenomena,
7 that are occurring primarily as a result of anthropo-
8 genic greenhouse gas emissions.

9 (4) EXTREME WEATHER EVENTS.—The term
10 “extreme weather events” means historically rare or
11 severe natural disasters such as heat waves,
12 droughts, floods, tornadoes, and hurricanes.

13 (5) FRONTLINE COMMUNITY.—The term
14 “frontline community” means a low-income commu-
15 nity, community of color, or Tribal community that
16 is disproportionately impacted or burdened by cli-
17 mate change and associated phenomena.

18 (6) SEA-LEVEL RISE.—The term “sea-level
19 rise” means the local, regional, and global long-term
20 trends in rising average sea levels that are occurring
21 as a direct result of climate change and additional
22 local factors such as land subsidence.

1 **SEC. 4. STATEMENTS OF INTENT AND POLICY.**

2 Section 101 of the Robert T. Stafford Disaster Relief
3 and Emergency Assistance Act (42 U.S.C. 5121) is
4 amended—

5 (1) in subsection (b)—

6 (A) in paragraph (5), by striking “and” at
7 the end;

8 (B) in paragraph (6), by adding a semi-
9 colon at the end; and

10 (C) by adding at the end the following:

11 “(7) integrating, to the greatest extent prac-
12 ticable, climate change adaptation planning and ac-
13 tions into the programs, policies, and operations of
14 the Federal Emergency Management Agency; and

15 “(8) assisting State, local, volunteer, and pri-
16 vate partners in preparing for and mitigating the
17 risks posed by climate change as listed in subsection
18 (c)(2), as well as any other climate change risks.”;
19 and

20 (2) by adding at the end the following:

21 “(c) CLIMATE CHANGE.—It is the policy of the Fed-
22 eral Emergency Management Agency to recognize that—

23 “(1) climate change is—

24 “(A) an irrefutable, multidimensional, and
25 significant near and long-term threat to United
26 States—

1 “(i) homeland security;
 2 “(ii) national security; and
 3 “(iii) national disaster risk; and
 4 “(B) primarily caused by anthropogenic
 5 greenhouse gas emissions; and
 6 “(2) as a direct result of climate change, the
 7 United States faces the increased threat of—
 8 “(A) changing, more frequent, and more
 9 severe extreme weather events;
 10 “(B) rising natural hazard risk;
 11 “(C) disruptions to or failure of critical in-
 12 frastructure;
 13 “(D) sea-level rise;
 14 “(E) internal population displacement;
 15 “(F) the spread of life-threatening dis-
 16 eases;
 17 “(G) rising annual disaster costs; and
 18 “(H) disproportionately high risks and im-
 19 pacts to low-income communities, communities
 20 of color, Tribal communities, and other front-
 21 line communities.”.

22 **SEC. 5. DEFINITIONS IN THE STAFFORD ACT.**

23 Section 102 of the Robert T. Stafford Disaster Relief
 24 and Emergency Assistance Act (42 U.S.C. 5122) is
 25 amended by adding at the end the following:

1 “(13) CLIMATE CHANGE.—The term ‘climate
2 change’ means the long-term shifts in global and re-
3 gional climate patterns, and associated phenomena,
4 that are occurring primarily as a result of anthropo-
5 genic greenhouse gas emissions.

6 “(14) EXTREME WEATHER EVENTS.—The term
7 ‘extreme weather events ’means historically rare or
8 severe natural disasters such as heat waves,
9 droughts, floods, tornadoes, and hurricanes.

10 “(15) FRONTLINE COMMUNITY.—The term
11 ‘frontline community’ means a low-income commu-
12 nity, community of color, or Tribal community that
13 is disproportionately impacted or burdened by cli-
14 mate change and associated phenomena.

15 “(16) SEA-LEVEL RISE.—The term ‘sea-level
16 rise’ means the local, regional, and global long-term
17 trends in rising average sea levels that are occurring
18 as a direct result of climate change and additional
19 local factors such as land subsidence.”.

20 **SEC. 6. INCLUSION OF CLIMATE CHANGE IN STRATEGIC**
21 **PLAN.**

22 (a) CURRENT STRATEGIC PLAN.—Not later than 180
23 days after the date of enactment of this Act, the Adminis-
24 trator shall revise the 2018–2022 Strategic Plan to—

1 (1) ensure that the text of the plan explicitly
2 mentions climate change, in accordance with the pol-
3 icy of FEMA in section 101 of the Robert T. Staf-
4 ford Disaster Relief and Emergency Assistance Act
5 (42 U.S.C. 5121), as amended by section 4; and

6 (2) address the implications of climate change
7 on homeland security and near- and long-term na-
8 tional disaster risk, including emergency prepared-
9 ness, response, recovery, and mitigation.

10 (b) FUTURE STRATEGIC PLANS.—Any strategic plan
11 subsequent to the 2018–2022 Strategic Plan developed by
12 FEMA shall—

13 (1) explicitly mention climate change, in accord-
14 ance with the policy of FEMA under section 101 of
15 the Robert T. Stafford Disaster Relief and Emer-
16 gency Assistance Act (42 U.S.C. 5121), as amended
17 by section 4; and

18 (2) address the implications of climate change
19 on homeland security and near- and long-term na-
20 tional disaster risk, including emergency prepared-
21 ness, response, recovery, and mitigation, drawing
22 upon findings and recommendations, once available,
23 from the Climate Change Subcommittee described in
24 section 7 and the assessment of climate change risks
25 and preparedness described in section 8.

1 **SEC. 7. NATIONAL ADVISORY COUNCIL CLIMATE CHANGE**
2 **SUBCOMMITTEE.**

3 (a) ESTABLISHMENT.—Not later than 60 days after
4 the date of enactment of this Act, the Secretary of Home-
5 land Security shall establish, as a subcommittee of the Na-
6 tional Advisory Council, the Climate Change Sub-
7 committee (in this Act referred to as the “Sub-
8 committee”).

9 (b) MEMBERSHIP.—

10 (1) IN GENERAL.—Notwithstanding any other
11 provision of law, the Subcommittee shall consist of—

12 (A) the Administrator of FEMA;

13 (B) the Director of the United States Geo-
14 logical Survey of the Department of the Inte-
15 rior;

16 (C) the Director of the Bureau of Safety
17 and Environmental Enforcement of the Depart-
18 ment of the Interior;

19 (D) the Under Secretary of Commerce for
20 Oceans and Atmosphere;

21 (E) the Commanding Officer of the United
22 States Army Corps of Engineers;

23 (F) the Director of the Office of Homeland
24 Security and Emergency Coordination of the
25 Department of Agriculture;

1 (G) the Executive Director of the Federal
2 Highway Administration of the Department of
3 Transportation;

4 (H) the Executive Director of the Federal
5 Transit Administration of the Department of
6 Transportation;

7 (I) the Under Secretary of Energy of the
8 Department of Energy;

9 (J) the Commissioner of the Federal Hous-
10 ing Administration of the Department of Hous-
11 ing and Urban Development;

12 (K) the Assistant Administrator of the Of-
13 fice of Land and Emergency Management of
14 the Environmental Protection Agency;

15 (L) the Acting Director of the Center for
16 Preparedness and Response of the Department
17 of Health and Human Services;

18 (M) the National Climate Advisor of the
19 Office of Domestic Climate Policy of the Execu-
20 tive Office of the President;

21 (N) the Chair of the Environmental Jus-
22 tice Interagency Council of the Executive Office
23 of the President;

1 (O) such other qualified individuals as the
2 Administrator shall appoint as soon as prac-
3 ticable from among—

4 (i) members of the National Advisory
5 Council who have the requisite technical
6 knowledge and expertise to address climate
7 change threats to homeland security, in-
8 cluding—

9 (I) emergency management and
10 emergency response providers;

11 (II) State, local, and Tribal gov-
12 ernment officials;

13 (III) climate scientists and ex-
14 perts in natural disaster risk assess-
15 ment; and

16 (IV) experts in climate change
17 adaption, mitigation, and resilience;
18 and

19 (ii) individuals who have the requisite
20 technical knowledge and expertise to serve
21 on the Subcommittee, including not less
22 than 1 representative from each of—

23 (I) an environmental justice or-
24 ganization representing low-income
25 communities and communities of color

1 that are disproportionately impacted
2 by climate change;

3 (II) a Tribal community that is
4 disproportionately impacted by climate
5 change or environmental pollution;

6 (III) an organized labor group
7 within the resilient infrastructure sec-
8 tor;

9 (IV) a private-sector company
10 that designs, develops, or constructs
11 resilient infrastructure, or an organi-
12 zation that represents those compa-
13 nies;

14 (V) a city or county that is di-
15 rectly impacted by coastal sea-level
16 rise;

17 (VI) a State that is directly im-
18 pacted by coastal sea-level rise;

19 (VII) a city or county that is
20 highly impacted by wildfires or
21 droughts;

22 (VIII) a State that is highly im-
23 pacted by wildfires or droughts;

24 (IX) scientists with expertise in
25 climate science and natural disaster

1 risk assessment who are faculty mem-
2 bers at an accredited university; and

3 (X) experts in homeland security
4 threat assessment and intelligence
5 analysis, especially as it concerns nat-
6 ural disasters; and

7 (P) representatives of such other stake-
8 holders and interested and affected parties as
9 the Administrator determines appropriate.

10 (2) REPRESENTATION.—The Administrator
11 shall ensure, to the extent practicable, that members
12 of the Subcommittee represent a geographic (includ-
13 ing urban, rural, and coastal) and substantive diver-
14 sity of State, local, and Tribal government officials,
15 emergency managers, and emergency response pro-
16 viders, scientific and technical experts, private sector
17 companies, and nongovernmental organizations.

18 (c) RESPONSIBILITIES.—The Subcommittee shall ad-
19 vise the Administrator on how to best incorporate climate
20 change, including risk assessments and strategies for ad-
21 aptation and mitigation, into and throughout the policies,
22 plans, programs, and operations of FEMA, including
23 through the performance of the following duties:

24 (1) ASSESSMENT.—Not later than 18 months
25 after the date of enactment of this Act, the Sub-

1 committee shall develop and submit to the Adminis-
2 trator and Congress, and make available to the pub-
3 lic, an assessment of all relevant FEMA policies,
4 plans, programs, strategies, and operations with a
5 focus on climate change-related risks, impacts, adap-
6 tation, preparedness, mitigation, and resilience,
7 which assessment shall address—

8 (A) existing and future risks and impacts
9 posed by climate change to States, cities, and
10 communities throughout the United States, in-
11 cluding the current and potential impacts of cli-
12 mate change on national emergency manage-
13 ment, annual disaster costs, and natural dis-
14 aster mitigation, preparedness, response, and
15 recovery;

16 (B) the extent to which climate change, in-
17 cluding risk assessments, resilience, adaptation,
18 and mitigation, is, as of the date of the assess-
19 ment, integrated within FEMA policies, plans,
20 programs, strategies, and operations, as well as
21 the extent to which and areas where that inte-
22 gration is lacking;

23 (C) the extent to which climate change, in-
24 cluding risk assessments, resilience, adaptation,
25 and mitigation, is, as of the date of the assess-

1 ment, incorporated into technical assistance,
2 outreach, grant, and loan programs, as well as
3 the extent to which and programs where such
4 integration is lacking;

5 (D) partnerships and coordination with
6 Federal, State, and local agencies and authori-
7 ties, as well as volunteer and private entities;

8 (E) data collection, management, and anal-
9 ysis;

10 (F) recommendations regarding how
11 FEMA can better incorporate climate change
12 throughout FEMA policies, plans, programs,
13 strategies, and operations, which shall ad-
14 dress—

15 (i) risk assessments, including ways to
16 more comprehensively predict and incor-
17 porate existing and future risks as they re-
18 late to climate change;

19 (ii) strategies to increase climate
20 change adaptation, mitigation, and resil-
21 ience in communities throughout the
22 United States;

23 (iii) ways to ensure that investments
24 and strategies around climate change ad-
25 aptation, mitigation, and resilience benefit

1 all communities, especially frontline com-
2 munities;

3 (iv) critical information, communica-
4 tion, and policy gaps, barriers, and chal-
5 lenges;

6 (v) technical assistance, outreach,
7 grant, and loan programs, including ways
8 that FEMA can use and expand those pro-
9 grams to increase climate change prepared-
10 ness throughout the emergency manage-
11 ment community and strengthen climate
12 change adaptation, mitigation, and resil-
13 ience across the United States, particularly
14 in frontline communities;

15 (vi) coordination with all relevant
16 partners, including Federal, State, and
17 local agencies and authorities, as well as
18 private entities and volunteers;

19 (vii) monitoring, recording, and ana-
20 lyzing FEMA actions, data management,
21 and budget allocations to help advance cli-
22 mate resilience;

23 (viii) methodologies for integrating
24 and disseminating scientific knowledge of
25 projected climate change impacts and

risks, and other relevant data and information, into policies, guidance, and public communications;

(ix) platforms for sharing best practices, information, and lessons learned with the emergency management community in the United States and general public, including public web pages, webinars, and workshops;

(x) FEMA's 2018–2022 Strategic Plan, and ways for FEMA to better incorporate climate change into all future strategic plans; and

(xi) any other matters as the Administrator determines to be appropriate; and

(G) timeframes for implementing any recommendations under subparagraph (F) that do not require congressional action, and the identification of any recommendations that require congressional action.

(2) ONGOING DUTIES.—Upon request of the Administrator, the Subcommittee shall, on an ongoing basis—

(A) review any relevant Agency policies, plans, programs, strategies, and operations, and

1 make any necessary recommendations thereof,
2 regarding climate change;

3 (B) support the Administrator in incor-
4 porating and implementing findings and rec-
5 ommendations from the assessment described in
6 paragraph (1) into all relevant Agency policies,
7 plans, programs, strategies, and operations, in-
8 cluding the assessment of climate change risks
9 and preparedness described in section 8; and

10 (C) perform any other relevant duties as
11 the Administrator determines to be appropriate.

12 (d) PUBLIC MEETINGS.—In carrying out its duties
13 under this section, the Subcommittee shall—

14 (1) consult with stakeholders through not less
15 than 2 public meetings each year, the total of which
16 not less than 3 shall be during the time in which the
17 Subcommittee is conducting the assessment de-
18 scribed in subsection (c)(1); and

19 (2) seek input from all stakeholder interests in-
20 cluding State and local representatives, environ-
21 mental and climate justice organizations, private in-
22 dustry representatives, advocacy groups, planning
23 and resilience organizations, labor representatives,
24 and representatives from frontline communities.

1 (e) COMPENSATION AND EXPENSES.—Any non-feder-
2 ally employed member of the Subcommittee, when attend-
3 ing meetings of the Subcommittee or when otherwise en-
4 gaged in the business of the Subcommittee, shall receive—

5 (1) compensation at a rate fixed by the Sec-
6 retary of Homeland Security, not exceeding the daily
7 equivalent of the current rate of basic pay in effect
8 for GS-15 of the General Schedule under section
9 5332 of title 5, United States Code, including travel
10 time; and

11 (2) travel or transportation expenses under sec-
12 tion 5703 of title 5, United States Code.

13 (f) CHAIR.—The Administrator shall serve as the
14 Chair of the Subcommittee.

15 (g) STAFF.—

16 (1) FEMA.—Upon request of the Sub-
17 committee, the Administrator may detail, on a non-
18 reimbursable basis, personnel of FEMA to assist the
19 Subcommittee in carrying out the duties of the Sub-
20 committee.

21 (2) OTHER FEDERAL AGENCIES.—Upon request
22 of the Subcommittee, any other Federal agency that
23 is a member of the Subcommittee may detail, on a
24 nonreimbursable basis, personnel to assist the Sub-

1 committee in carrying out the duties of the Sub-
2 committee.

3 (h) POWERS.—In carrying out this section, the Sub-
4 committee may hold hearings, receive evidence and assist-
5 ance, provide information, conduct research, and author
6 reports as the Subcommittee considers appropriate.

7 (i) TERMINATION.—The Subcommittee shall termi-
8 nate not later than 3 years after the submission of the
9 assessment required under subsection (c)(1).

10 (j) UPDATES AND IMPLEMENTATION.—

11 (1) IN GENERAL.—Beginning not later than 90
12 days after the submission of the assessment under
13 subsection (c)(1), the Administrator shall—

14 (A) coordinate the implementation of the
15 recommendations, and actions to address the
16 findings, as described in the assessment, where
17 appropriate; and

18 (B) provide updates annually thereafter,
19 until the date that is 1 year after the date on
20 which the Subcommittee terminates, to the
21 Committee on Homeland Security and Govern-
22 mental Affairs of the Senate and the Committee
23 on Homeland Security of the House of Rep-
24 resentatives containing—

1 (i) the implementation status of the
2 findings and recommendations of the as-
3 sessment; and

4 (ii) any other findings and rec-
5 ommendations that the Subcommittee may
6 provide in the course of the duties of the
7 Subcommittee.

8 (2) FINDINGS.—Not later than 2 years after
9 the date of enactment of this Act, and annually
10 thereafter until the termination of the Sub-
11 committee, the Administrator shall submit to the
12 Committee on Homeland Security and Governmental
13 Affairs of the Senate and the Committee on Home-
14 land Security of the House of Representatives and
15 make available to the public a report on the actions
16 taken by the Administrator to incorporate and im-
17 plement the findings and recommendations from the
18 assessment described in subsection (c)(1), and any
19 other findings and recommendations that the Sub-
20 committee may provide, into all relevant Agency
21 policies, plans, programs, strategies, and operations.

22 **SEC. 8. ASSESSMENT OF CLIMATE CHANGE RISKS AND PRE-**
23 **PAREDNESS.**

24 (a) IN GENERAL.—Not later than 4 years after the
25 date of enactment of this Act, and every 4 years there-

1 after, the Administrator shall publish as a report, submit
2 to the Committee on Homeland Security and Govern-
3 mental Affairs of the Senate and the Committee on Home-
4 land Security of the House of Representatives, and make
5 available to Congress and the public a comprehensive as-
6 sessment of climate change risks and preparedness, which
7 shall—

8 (1) incorporate and expand upon the findings
9 and recommendations made by the Subcommittee;

10 (2) identify, predict, and assess existing and fu-
11 ture natural disaster risks and impacts posed by cli-
12 mate change to States, cities, and communities
13 throughout the United States, including the current
14 and potential impact to annual disaster, mitigation,
15 and insurance costs, as well as to natural disaster
16 mitigation, adaptation, preparedness, response, and
17 recovery capabilities and efforts;

18 (3) identify, predict, and assess risks and im-
19 pacts to frontline communities, particularly low-in-
20 come communities, communities of color, and Tribal
21 communities;

22 (4) assess the current state of preparedness
23 throughout the emergency management community,
24 and across all levels of government, in relation to the

1 expected natural disaster risks and impacts posed by
2 climate change;

3 (5) identify steps taken by FEMA to integrate
4 climate change into all relevant Agency policies,
5 plans, programs, strategies, and operations;

6 (6) identify measures taken by FEMA to in-
7 crease climate change resilience, adaptation, and
8 mitigation throughout the United States, and to in-
9 crease overall preparedness of the entire emergency
10 management community;

11 (7) provide recommendations and best practices
12 for how FEMA, all relevant partners, and the emer-
13 gency management community in the United States
14 can better prepare for, mitigate, and adapt to the
15 present and future national disaster risks and im-
16 pacts posed by climate change, including specific rec-
17 ommendations and best practices for increasing cli-
18 mate change resilience, adaptation, and mitigation in
19 frontline communities;

20 (8) describe climate change mitigation, adapta-
21 tion, and resilience methods adopted in not less than
22 5 communities across the United States, including
23 not less than—

24 (A) 1 urban community;

25 (B) 1 rural community;

1 (C) 1 coastal community; and

2 (D) 1 frontline community; and

3 (9) incorporate any other components and sec-
4 tions as the Administrator determines appropriate.

5 (b) METHODOLOGY.—Not later than 3 years after
6 the date of enactment of this Act, the Secretary shall re-
7 port to the Committee on Homeland Security and Govern-
8 mental Affairs of the Senate and the Committee on Home-
9 land Security of the House of Representatives on the
10 methodology that will be used to conduct the analysis and
11 produce the assessment required under subsection (a).

○