

115TH CONGRESS
1ST SESSION

S. 2176

To establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize Government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2017

Mr. WHITEHOUSE (for himself, Mr. CARPER, Mr. BLUMENTHAL, Mrs. FEINSTEIN, Mr. WYDEN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize Government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Safeguarding Amer-
3 ica’s Future and Environment Act” or the “SAFE Act”.

4 **SEC. 2. FINDINGS, PURPOSES, AND POLICY.**

5 (a) FINDINGS.—Congress finds that—

6 (1) healthy, diverse, and productive commu-
7 nities of fish, wildlife, and plants provide significant
8 benefits to the people and economy of the United
9 States, including—

10 (A) abundant clean water supplies;

11 (B) flood and coastal storm protection;

12 (C) clean air;

13 (D) a source of food, fiber, medicines, and
14 pollination of the crops and other plants of the
15 United States;

16 (E) outdoor recreation, which is a source
17 of jobs and economic stimulus;

18 (F) hunting and fishing opportunities and
19 support for subsistence communities;

20 (G) opportunities for scientific research
21 and education;

22 (H) world-class tourism destinations that
23 support local economies; and

24 (I) sequestration and storage of carbon to
25 help mitigate changes to the global climate sys-
26 tem;

(2) the United States Geological Survey, National Oceanic and Atmospheric Administration, National Aeronautics and Space Administration, and other agencies within the United States Global Change Research Program have observed that the fish, wildlife, and plants of the United States are facing increasing risks from changing patterns of extreme weather and climate, including—

(A) severe droughts and heatwaves;

(B) severe storms and floods;

(C) frequent and severe wildfires;

(D) more frequent and severe outbreaks of forest pests and invasive species;

(E) flooding and erosion of coastal areas due to rising sea levels;

(F) melting glaciers and sea ice;

(G) thawing permafrost;

(H) shifting distributions of fish, wildlife, and plant populations;

(I) disruptive shifts in the timing of fish, wildlife, and plant natural history cycles, such as blooming, breeding, and seasonal migrations;

(J) increasing ocean temperatures and acidification;

1 (K) altered patterns of rain, snow, runoff,
2 and streamflow; and

3 (L) habitat loss, degradation, fragmenta-
4 tion, and movement; and

5 (3) the Federal Government should provide
6 leadership in preparing for and responding to the ef-
7 fects described in paragraph (2) to ensure that
8 present and future generations continue to receive
9 the benefits of the abundant and diverse fish, wild-
10 life, and plant resources of the United States.

11 (b) PURPOSES.—The purpose of this Act is to estab-
12 lish an integrated national approach—

13 (1) to respond to ongoing and expected effects
14 of extreme weather and climate change by pro-
15 tecting, managing, and conserving the fish, wildlife,
16 and plants of the United States; and

17 (2) to maximize Government efficiency and re-
18 duce costs, in cooperation with State, local, and trib-
19 al governments and other entities.

20 (c) NATIONAL FISH, WILDLIFE, AND PLANTS CLI-
21 MATE CHANGE ADAPTATION POLICY.—It is the policy of
22 the Federal Government, in cooperation with State and
23 local governments, Indian tribes, and other interested
24 stakeholders to evaluate and reduce the increased risks
25 and vulnerabilities associated with climate change and ex-

1 treme weather events, and to use all practicable means to
2 protect, manage, and conserve healthy, diverse, and pro-
3 ductive fish, wildlife, and plant populations.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) ADAPTATION.—The term “adaptation”
7 means—

8 (A) the process of adjustment to actual or
9 expected climate and the effects of climate
10 change; and

11 (B) with respect to fish, wildlife, and
12 plants, protection, management, and conserva-
13 tion efforts designed to maintain or enhance the
14 ability of fish, wildlife, and plants to withstand,
15 adjust to, or recover from the effects of extreme
16 weather and climate change (including, where
17 applicable, ocean acidification, drought, flood-
18 ing, and wildfire).

19 (2) CENTER.—The term “Center” means the
20 National Climate Change and Wildlife Science Cen-
21 ter established under section 6(a)(1).

22 (3) COMMITTEE.—The term “Committee”
23 means the Advisory Committee on Climate Change
24 and Natural Resource Sciences established under
25 section 6(b)(1).

1 (4) ECOLOGICAL PROCESSES.—The term “eco-
 2 logical processes” means biological, chemical, or
 3 physical interaction between the biotic and abiotic
 4 components of an ecosystem, including—

5 (A) decomposition;

6 (B) disease epizootiology;

7 (C) disturbance regimes, such as fire and
 8 flooding;

9 (D) gene flow;

10 (E) hydrological cycling;

11 (F) larval dispersal and settlement;

12 (G) nutrient cycling;

13 (H) pollination;

14 (I) predator-prey relationships; and

15 (J) soil formation.

16 (5) HABITAT.—The term “habitat” means the
 17 physical, chemical, and biological properties that
 18 fish, wildlife, or plants use for growth, reproduction,
 19 survival, food, water, or cover (whether on land, in
 20 water, or in an area or region).

21 (6) HABITAT CONNECTIVITY.—The term “habi-
 22 tat connectivity” means areas that facilitate terres-
 23 trial, marine, estuarine, and freshwater fish, wildlife,
 24 or plant movement that is necessary—

1 (A) for migration, gene flow, or dispersal;
2 or

3 (B) to respond to the ongoing and ex-
4 pected effects of climate change (including,
5 where applicable, ocean acidification, drought,
6 flooding, and wildfire).

7 (7) INDIAN TRIBE.—The term “Indian tribe”
8 has the meaning given the term in section 4 of the
9 Indian Self-Determination and Education Assistance
10 Act (25 U.S.C. 5304).

11 (8) NATIONAL STRATEGY.—The term “National
12 Strategy” means the National Fish, Wildlife, and
13 Plants Climate Adaptation Strategy released March
14 26, 2013.

15 (9) RESILIENCE; RESILIENT.—The terms “re-
16 silience” and “resilient” mean the ability to antici-
17 pate, prepare for, and adapt to changing conditions
18 and withstand, respond to, and recover rapidly from
19 disruptions.

20 (10) STATE.—The term “State” means—

21 (A) a State of the United States;

22 (B) the District of Columbia;

23 (C) American Samoa;

24 (D) Guam;

1 (E) the Commonwealth of the Northern
2 Mariana Islands;

3 (F) the Commonwealth of Puerto Rico;
4 and

5 (G) the United States Virgin Islands.

6 (11) WORKING GROUP.—The term “Working
7 Group” means the National Fish, Wildlife, and
8 Plants Climate Adaptation Strategy Joint Imple-
9 mentation Working Group established under section
10 4(a).

11 **SEC. 4. NATIONAL FISH, WILDLIFE, AND PLANTS CLIMATE**
12 **ADAPTATION STRATEGY JOINT IMPLEMENTA-**
13 **TION WORKING GROUP.**

14 (a) ESTABLISHMENT.—Not later than 90 days after
15 the date of enactment of this Act, the President shall es-
16 tablish a National Fish, Wildlife, and Plants Climate Ad-
17 aptation Strategy Joint Implementation Working Group
18 composed of the heads of Federal and State agencies or
19 departments with jurisdiction over fish, wildlife, and plant
20 resources of the United States, and tribal representatives,
21 as follows:

22 (1) The Administrator of the Environmental
23 Protection Agency.

24 (2) The Administrator of the Federal Emer-
25 gency Management Agency.

1 (3) The Administrator of the National Oceanic
2 and Atmospheric Administration.

3 (4) The Chair of the Council on Environmental
4 Quality.

5 (5) The Chief of Engineers.

6 (6) The Chief of the Forest Service.

7 (7) The Commissioner of Reclamation.

8 (8) The Director of the Bureau of Indian Af-
9 fairs.

10 (9) The Director of the Bureau of Land Man-
11 agement.

12 (10) The Director of the National Park Service.

13 (11) The Director of the United States Fish
14 and Wildlife Service.

15 (12) The Director of the United States Geologi-
16 cal Survey.

17 (13) The Secretary of Agriculture.

18 (14) The Secretary of Defense.

19 (15) State representatives from each regional
20 association of State fish and wildlife agencies.

21 (16) Not less than 2 tribal representatives.

22 (b) DUTIES.—The Working Group shall serve as a
23 forum for interagency consultation on, and the coordina-
24 tion of, the development and implementation of the Na-
25 tional Strategy.

1 (c) CO-CHAIRS.—There shall be 4 co-chairs, of
2 whom—

3 (1) two shall be representatives of the Federal
4 Government;

5 (2) one shall be a representative of a State; and

6 (3) one shall be a tribal representative.

7 **SEC. 5. NATIONAL FISH, WILDLIFE, AND PLANTS CLIMATE**
8 **ADAPTATION STRATEGY.**

9 (a) IN GENERAL.—The Working Group shall adopt
10 the National Strategy to protect, manage, and conserve
11 fish, wildlife, and plants to maintain the inherent resil-
12 ience and adaptability of fish, wildlife, and plants to with-
13 stand the ongoing and expected effects of extreme weather
14 and climate change.

15 (b) REVIEW AND REVISION.—Not later than 1 year
16 after each release of the assessment required under section
17 106 of the Global Change Research Act of 1990 (15
18 U.S.C. 2936), the Working Group shall—

19 (1) use sound science to review and revise the
20 National Strategy to incorporate—

21 (A) new information regarding the ongoing
22 and expected effects of climate change on fish,
23 wildlife, and plants; and

24 (B) advances in the development of fish,
25 wildlife, and plant adaptation strategies; and

1 (2) in carrying out paragraph (1), provide pub-
2 lic notice and opportunity for comment.

3 (c) CONTENTS.—A revised National Strategy shall—

4 (1) assess the vulnerability of fish, wildlife, and
5 plants to climate change, including short-term, me-
6 dium-term, long-term, and cumulative impacts;

7 (2) describe current, observation, and moni-
8 toring activities at the Federal, State, tribal, and
9 local levels relating to the ongoing and expected ef-
10 fects of climate change on fish, wildlife, and plants;

11 (3) identify and prioritize research and data
12 needs;

13 (4) identify fish, wildlife, and plants likely to
14 have the greatest need for protection, restoration,
15 and conservation due to the ongoing and expanding
16 effects of extreme weather and climate change;

17 (5) include specific protocols for integrating
18 fish, wildlife, and plant adaptation strategies and ac-
19 tivities into the conservation and management of
20 natural resources by Federal agencies to ensure con-
21 sistency across agency jurisdictions;

22 (6) identify opportunities for maintaining, re-
23 storing, or enhancing fish, wildlife, and plants to re-
24 duce the risks of extreme weather and climate
25 change on other vulnerable sectors of society;

1 (7) identify Federal policies and actions that
2 may reduce resilience and increase the vulnerability
3 of fish, wildlife, and plants to extreme weather and
4 climate change;

5 (8) include specific actions that Federal agen-
6 cies shall take to protect, conserve, and manage fish,
7 wildlife, and plants to maintain the inherent resil-
8 ience and adaptability of fish, wildlife, and plants to
9 withstand, adjust to, or recover from the ongoing
10 and expected effects of climate change, including a
11 timeline to implement those actions;

12 (9) include specific mechanisms for ensuring
13 communication and coordination—

14 (A) among Federal agencies; and

15 (B) between Federal agencies and State
16 agencies, territories of the United States, In-
17 dian tribes, private landowners, conservation or-
18 ganizations, and other countries that share ju-
19 risdiction over fish, wildlife, and plants with the
20 United States;

21 (10) include specific actions to develop and im-
22 plement coordinated fish, wildlife, and plants inven-
23 tory and monitoring protocols through interagency
24 coordination and collaboration with States and local

1 governments, Indian tribes, and private organiza-
2 tions; and

3 (11) include procedures for guiding the develop-
4 ment of detailed strategy implementation plans re-
5 quired under section 7.

6 (d) IMPLEMENTATION.—

7 (1) IN GENERAL.—Consistent with other laws
8 and Federal trust responsibilities concerning Indian
9 land or rights of Indians under treaties with the
10 United States, each Federal agency shall integrate
11 the elements of the National Strategy that relate to
12 conservation, management, and protection of fish,
13 wildlife, and plants into agency plans, environmental
14 reviews, and programs.

15 (2) PUBLIC REPORT.—The Working Group
16 shall, on a biannual basis, between revisions to the
17 National Strategy, make available to the public a re-
18 port documenting any actions implementing the
19 Strategy.

20 (3) COORDINATION.—The Working Group shall
21 coordinate the implementation of the National Strat-
22 egy with Federal agencies not represented on the
23 Working Group to achieve the policy of the United
24 States described in section 2(c).

1 **SEC. 6. FISH, WILDLIFE, AND PLANTS ADAPTATION**
2 **SCIENCE AND INFORMATION.**

3 (a) NATIONAL CLIMATE CHANGE AND WILDLIFE
4 SCIENCE CENTER.—

5 (1) AUTHORIZATION.—The Secretary of the In-
6 terior, in collaboration with the States, Indian tribes,
7 and other partner organizations, shall establish a
8 National Climate Change and Wildlife Science Cen-
9 ter.

10 (2) DUTIES OF CENTER.—The Center shall as-
11 sess and develop scientific information, tools, strate-
12 gies, and techniques to support the Working Group,
13 Federal and State agencies, tribes, regionally based
14 science and conservation centers, regional coordi-
15 nating entities, and other interested parties in ad-
16 dressing the effects of extreme weather and climate
17 change on fish, wildlife, and plants.

18 (3) GENERAL AUTHORITY TO ENTER INTO CON-
19 TRACTS, GRANTS, AND COOPERATIVE AGREE-
20 MENTS.—The Secretary may enter into contracts,
21 grants, or cooperative agreements with State agen-
22 cies, State cooperative extension services, institutions
23 of higher education, other research or educational
24 institutions and organizations, tribal organizations,
25 Federal and private agencies and organizations, indi-
26 viduals, and any other contractor or recipient, to

1 further the duties under paragraph (2) without re-
 2 gard to—

3 (A) any requirements for competition;

4 (B) section 6101 of title 41, United States
 5 Code; or

6 (C) subsections (a) and (b) of section 3324
 7 of title 31, United States Code.

8 (b) ADVISORY COMMITTEE ON CLIMATE CHANGE
 9 AND NATURAL RESOURCE SCIENCES.—

10 (1) IN GENERAL.—Not later than 180 days
 11 after the date of enactment of this Act, and pursu-
 12 ant to the Federal Advisory Committee Act (5
 13 U.S.C. App.), the Secretary of the Interior shall es-
 14 tablish an Advisory Committee on Climate Change
 15 and Natural Resource Sciences.

16 (2) MEMBERSHIP.—The Committee shall be
 17 comprised of 25 members who—

18 (A) represent—

19 (i) Federal agencies;

20 (ii) State, local, and tribal govern-
 21 ments;

22 (iii) nongovernmental organizations;

23 (iv) academic institutions; and

24 (v) the private sector; and

25 (B) have expertise in—

(i) biology (including fish, wildlife, plant, aquatic, coastal, and marine biology);

(ii) ecology;

(iii) climate change (including, where applicable, ocean acidification, drought, flooding, and wildfire); and

(iv) other relevant scientific disciplines.

(3) CHAIR.—The Secretary of the Interior shall appoint a Committee Chair from among the members of the Committee.

(4) DUTIES.—The Committee shall—

(A) advise the Working Group on the state of the science regarding—

(i) the ongoing and expected effects of extreme weather and climate change on fish, wildlife, and plants; and

(ii) scientific strategies and mechanisms for fish, wildlife, and plant adaptation;

(B) identify and recommend priorities for ongoing research needs on the issues described in subparagraph (A) to inform the research priorities of the Center described in subsection (a)

1 and other Federal climate science institutions;
2 and

3 (C) review and comment on each revised
4 National Strategy before that National Strategy
5 is finalized.

6 (5) COLLABORATION.—The Committee shall
7 collaborate with climate change and fish, wildlife,
8 and plant research entities in other Federal agencies
9 and departments.

10 (6) AVAILABILITY TO PUBLIC.—The advice and
11 recommendations of the Committee shall be made
12 available to the public.

13 **SEC. 7. STRATEGY IMPLEMENTATION PLAN.**

14 (a) DEVELOPMENT.—Not later than 1 year after the
15 date of enactment of this Act and not later than 1 year
16 after the date of each revision of the National Strategy,
17 the Working Group shall—

18 (1) complete a strategy implementation plan;

19 (2) provide opportunities for public review and
20 comment on the plan; and

21 (3) submit the plan to the President for ap-
22 proval.

23 (b) REQUIREMENTS.—The strategy implementation
24 plan shall—

1 (1) identify and prioritize specific conservation
2 and management strategies and actions that address
3 the ongoing and expected effects of extreme weather
4 and climate change on fish, wildlife, and plants, in-
5 cluding—

6 (A) protection, management, and conserva-
7 tion of terrestrial, marine, estuarine, and fresh-
8 water habitats and ecosystems;

9 (B) establishment of terrestrial, marine,
10 estuarine, and freshwater habitat connectivity
11 corridors;

12 (C) restoration and conservation of ecologi-
13 cal processes;

14 (D) protection of a broad diversity of spe-
15 cies of fish, wildlife, and plant populations; and

16 (E) protection of fish, wildlife, and plant
17 health, recognizing that climate can alter the
18 distribution and ecology of parasites, pathogens,
19 and vectors;

20 (2) establish methods—

21 (A) to assess the effectiveness of strategies
22 and conservation actions implemented by the
23 agencies to protect, manage, and conserve fish,
24 wildlife, and plants; and

1 (B) to update those strategies and actions
2 to respond to new information and changing
3 conditions;

4 (3) describe current and proposed mechanisms
5 to enhance cooperation and coordination of fish,
6 wildlife, and plant adaptation efforts with other Fed-
7 eral agencies, State and local governments, Indian
8 tribes, and nongovernmental stakeholders;

9 (4) include written guidance to resource man-
10 agers; and

11 (5) identify and assess data and information
12 gaps necessary to develop fish, wildlife, and plant
13 adaptation plans and strategies.

14 (c) IMPLEMENTATION.—

15 (1) IN GENERAL.—On approval by the Presi-
16 dent, each Federal agency shall, consistent with ex-
17 isting authority, implement the strategy implementa-
18 tion plan under subsection (a)(1) through existing
19 and new plans, policies, programs, activities, and ac-
20 tions.

21 (2) CONSIDERATION OF EFFECTS.—To the
22 maximum extent practicable and consistent with ex-
23 isting authority, fish, wildlife, and plant conservation
24 and management decisions made by each Federal
25 agency shall consider and promote resilience to the

1 ongoing and expected effects of extreme weather and
2 climate change.

3 (d) REVISION AND REVIEW.—Not later than 1 year
4 after the National Strategy is revised under section 5(b),
5 the Working Group shall review and revise the strategy
6 implementation plan under subsection (a)(1) to incor-
7 porate the best available science, including advice and in-
8 formation pursuant to section 6 and other information, re-
9 garding the ongoing and expected effects of climate
10 change on fish, wildlife, and plants.

11 **SEC. 8. STATE FISH, WILDLIFE, AND PLANTS ADAPTATION**
12 **PLANS.**

13 (a) REQUIREMENT.—To be eligible to receive funds
14 pursuant to subsection (d), not later than 1 year after the
15 date of enactment of this Act and not later than 1 year
16 after the date of each revision of the National Strategy,
17 each State shall prepare and submit to the Secretary of
18 the Interior and the Secretary of Commerce, a State fish,
19 wildlife, and plant adaptation plan detailing current and
20 future efforts of the State to address the ongoing and ex-
21 pected effects of climate change on fish, wildlife, and
22 plants and coastal areas within the jurisdiction of the
23 State.

24 (b) REVIEW OR APPROVAL.—The Secretary of the In-
25 terior and the Secretary of Commerce shall—

1 (1) review each State adaptation plan; and

2 (2) approve a State adaptation plan if the
3 plan—

4 (A) meets the requirements of subsection
5 (c); and

6 (B) is consistent with the National Strat-
7 egy.

8 (c) CONTENTS.—A State adaptation plan shall—

9 (1) meet the requirements described in section
10 7(b);

11 (2) include the adaptation provisions of any
12 State comprehensive wildlife conservation strategy
13 (or State wildlife action plan) that has been—

14 (A) submitted to the Director of the
15 United States Fish and Wildlife Service; and

16 (B) approved, or is pending approval, by
17 the Director of the United States Fish and
18 Wildlife Service;

19 (3) include the adaptation provisions of a state-
20 wide assessment and strategy for forest resources re-
21 quired under section 2A of the Cooperative Forestry
22 Assistance Act of 1978 (16 U.S.C. 2101a) that has
23 been—

24 (A) submitted to the Secretary of Agri-
25 culture; and

1 (B) approved, or is pending approval, by
2 the Secretary of Agriculture; and

3 (4) include the adaptation provisions of a
4 Coastal Zone Management Plan or a Coastal and
5 Estuarine Land Conservation Program Plan that
6 has been—

7 (A) submitted to the Administrator of the
8 National Oceanic and Atmospheric Administra-
9 tion; and

10 (B) approved, or is pending approval, by
11 the Administrator of the National Oceanic and
12 Atmospheric Administration.

13 (d) DISTRIBUTION OF FUNDS TO STATES.—Any
14 funds made available pursuant to this Act shall be—

15 (1) used to carry out activities in accordance
16 with adaptation plans approved under this section;
17 and

18 (2) made available through—

19 (A) the State and tribal wildlife grant pro-
20 gram under title I of division F of the Consoli-
21 dated Appropriations Act, 2008 (Public Law
22 110–161; 121 Stat. 2103); and

23 (B)(i) the grant program under section
24 306 of the Coastal Zone Management Act of
25 1972 (16 U.S.C. 1455);

1 (ii) the Coastal and Estuarine Land Con-
2 servation Program established under title II of
3 the Department of Commerce and Related
4 Agencies Appropriations Act, 2002 (16 U.S.C.
5 1456d); and

6 (iii) programs established under the Coop-
7 erative Forestry Assistance Act of 1978 (16
8 U.S.C. 2101 et seq.).

9 (e) PUBLIC INPUT.—In developing an adaptation
10 plan, a State shall solicit and consider input from the pub-
11 lic and independent scientists.

12 (f) COORDINATION WITH OTHER PLANS.—A State
13 adaptation plan shall, where appropriate, integrate the
14 goals and measures set forth in other climate adaptation,
15 hazard mitigation, and fish, wildlife, and plant conserva-
16 tion strategies and plans.

17 (g) UPDATES.—Each State adaptation plan shall be
18 updated at least every 4 years.

19 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

20 There are authorized to be appropriated to carry out
21 this Act such sums as are necessary.

○