

116TH CONGRESS
2D SESSION

S. 3204

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

JANUARY 16, 2020

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, FEMA’s
2 2014–2018 Strategic Plan explicitly mentioned and
3 referenced climate change as a source of changing
4 and increasing national disaster risks, in the near
5 and long term, that—

6 (A) must be effectively integrated into the
7 Agency’s risk assessment resources and proc-
8 esses; and

9 (B) the entire emergency management
10 community will need to adapt appropriately to
11 as they strengthen their risk management pro-
12 grams.

13 (2) In FEMA’s 2018–2022 Strategic Plan, de-
14 spite the mounting threat posed by climate change,
15 the term “climate change” is entirely absent from
16 the text.

17 (3) It is the general consensus of the global sci-
18 entific community that—

19 (A) the evidence of climate change is un-
20 equivocal;

21 (B) anthropogenic greenhouse gas emis-
22 sions are the primary cause of climate change;
23 and

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

4 (4) The last 5 years have been the warmest
5 years on record since the National Oceanic and At-
6 mospheric Administration began recording global air
7 temperatures in 1895.

8 (5) 2017, one of the three warmest years on
9 record, was also the most expensive year on record
10 for emergency disaster costs in the United States
11 due to 16 weather and climate disasters.

12 (6) It is the mission of FEMA to reduce the
13 loss of life and property and protect our institutions
14 from all hazards by leading and supporting the Na-
15 tion in a comprehensive, risk-based emergency man-
16 agement program of mitigation, preparedness, re-
17 sponse, and recovery.

18 (7) It is detrimental to the mission of FEMA,
19 and the Agency's ability to follow its mandate, to ex-
20 plicitly or implicitly deny or ignore the existence of
21 climate change or the implications of such on na-
22 tional security and national emergency management.

23 (8) To fully and effectively carry out its man-
24 date, FEMA must comprehensively assess and incor-
25 porate the current and future natural disaster risks

1 and impacts posed by climate change throughout the
2 Agency’s policies, plans, programs, strategies, and
3 operations.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

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

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

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

20 (5) FRONTLINE COMMUNITY.—The term
21 “frontline community” means a low-income commu-
22 nity, community of color, or Tribal community that
23 is disproportionately impacted or burdened by cli-
24 mate change and associated phenomena.

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

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

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

10 (1) in subsection (b)—

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

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

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

16 “(7) integrating, to the greatest extent prac-
 17 ticable, climate change adaptation planning and ac-
 18 tions into the programs, policies, and operations of
 19 the Federal Emergency Management Agency; and

20 “(8) assisting State, local, volunteer, and pri-
 21 vate partners in preparing for and mitigating the
 22 risks posed by climate change as listed in subsection
 23 (c)(2), as well as any other climate change risks.”;
 24 and

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

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

3 “(1) climate change is—

4 “(A) an irrefutable, multidimensional, and
 5 significant near and long-term threat to United
 6 States—

7 “(i) homeland security;

8 “(ii) national security; and

9 “(iii) national disaster risk; and

10 “(B) primarily caused by anthropogenic
 11 greenhouse gas emissions; and

12 “(2) as a direct result of climate change, the
 13 United States faces the increased threat of—

14 “(A) changing, more frequent, and more
 15 severe extreme weather events;

16 “(B) rising natural hazard risk;

17 “(C) disruptions to or failure of critical in-
 18 frastructure;

19 “(D) sea-level rise;

20 “(E) internal population displacement;

21 “(F) the spread of life-threatening dis-
 22 eases;

23 “(G) rising annual disaster costs; and

24 “(H) disproportionately high risks and im-
 25 pacts to low-income communities, communities

1 of color, Tribal communities, and other front-
2 line communities.”.

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

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

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

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

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

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

1 **SEC. 6. INCLUSION OF CLIMATE CHANGE IN STRATEGIC**
2 **PLAN.**

3 (a) **CURRENT STRATEGIC PLAN.**—

4 (1) **IN GENERAL.**—Not later than 180 days
5 after the date of enactment of this Act, the Adminis-
6 trator shall revise the 2018–2022 Strategic Plan
7 to—

8 (A) ensure that the text of the plan explic-
9 itly mentions climate change, in accordance
10 with the policy of FEMA in section 101 of the
11 Robert T. Stafford Disaster Relief and Emer-
12 gency Assistance Act (42 U.S.C. 5121), as
13 amended by section 4; and

14 (B) address the implications of climate
15 change on homeland security and near- and
16 long-term national disaster risk, including
17 emergency preparedness, response, recovery,
18 and mitigation.

19 (2) **BRIEFING.**—Not later than 180 days after
20 the date of enactment of this Act, appropriate per-
21 sonnel of FEMA shall—

22 (A) brief the Committee on Homeland Se-
23 curity and Governmental Affairs of the Senate
24 and the Committee on Homeland Security of
25 the House of Representatives on the process
26 and rationale that resulted in the exclusion of

1 references to climate change from the originally
2 published 2018–2022 Strategic Plan; and

3 (B) if requested by the Chair of the Com-
4 mittee on Homeland Security and Govern-
5 mental Affairs of the Senate or the Committee
6 on Homeland Security of the House of Rep-
7 resentatives, provide to that committee a writ-
8 ten report describing that process and rationale.

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

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

17 (2) address the implications of climate change
18 on homeland security and near- and long-term na-
19 tional disaster risk, including emergency prepared-
20 ness, response, recovery, and mitigation, drawing
21 upon findings and recommendations, once available,
22 from the Climate Change Subcommittee described in
23 section 7 and the assessment of climate change risks
24 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) such other qualified individuals as the
19 Administrator shall appoint as soon as prac-
20 ticable from among—

21 (i) members of the National Advisory
22 Council who have the requisite technical
23 knowledge and expertise to address climate
24 change threats to homeland security, in-
25 cluding—

1 (I) emergency management and
2 emergency response providers;

3 (II) State, local, and Tribal gov-
4 ernment officials;

5 (III) climate scientists and ex-
6 perts in natural disaster risk assess-
7 ment; and

8 (IV) experts in climate change
9 adaption, mitigation, and resilience;
10 and

11 (ii) individuals who have the requisite
12 technical knowledge and expertise to serve
13 on the Subcommittee, including not less
14 than 1 representative from each of—

15 (I) an environmental justice or-
16 ganization representing low-income
17 communities and communities of color
18 that are disproportionately impacted
19 by climate change;

20 (II) a Tribal community that is
21 disproportionately impacted by climate
22 change or environmental pollution;

23 (III) an organized labor group
24 within the resilient infrastructure sec-
25 tor;

- 1 (IV) a private-sector company
2 that designs, develops, or constructs
3 resilient infrastructure, or an organi-
4 zation that represents those compa-
5 nies;
- 6 (V) a city or county that is di-
7 rectly impacted by coastal sea-level
8 rise;
- 9 (VI) a State that is directly im-
10 pacted by coastal sea-level rise;
- 11 (VII) a city or county that is
12 highly impacted by wildfires or
13 droughts;
- 14 (VIII) a State that is highly im-
15 pacted by wildfires or droughts;
- 16 (IX) scientists with expertise in
17 climate science and natural disaster
18 risk assessment who are faculty mem-
19 bers at an accredited university; and
- 20 (X) experts in homeland security
21 threat assessment and intelligence
22 analysis, especially as it concerns nat-
23 ural disasters; and

1 (N) representatives of such other stake-
2 holders and interested and affected parties as
3 the Administrator determines appropriate.

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

12 (c) RESPONSIBILITIES.—The Subcommittee shall ad-
13 vise the Administrator on how to best incorporate climate
14 change, including risk assessments and strategies for ad-
15 aptation and mitigation, into and throughout the policies,
16 plans, programs, and operations of FEMA, including
17 through the performance of the following duties:

18 (1) ASSESSMENT.—Not later than 18 months
19 after the date of enactment of this Act, the Sub-
20 committee shall develop and submit to the Adminis-
21 trator and Congress, and make available to the pub-
22 lic, an assessment of all relevant FEMA policies,
23 plans, programs, strategies, and operations with a
24 focus on climate change-related risks, impacts, adap-

1 tation, preparedness, mitigation, and resilience,
2 which assessment shall address—

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

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

18 (C) the extent to which climate change, in-
19 cluding risk assessments, resilience, adaptation,
20 and mitigation, is, as of the date of the assess-
21 ment, incorporated into technical assistance,
22 outreach, grant, and loan programs, as well as
23 the extent to which and programs where such
24 integration is lacking;

1 (D) partnerships and coordination with
2 Federal, State, and local agencies and authori-
3 ties, as well as volunteer and private entities;

4 (E) data collection, management, and anal-
5 ysis;

6 (F) recommendations regarding how
7 FEMA can better incorporate climate change
8 throughout FEMA policies, plans, programs,
9 strategies, and operations, which shall ad-
10 dress—

11 (i) risk assessments, including ways to
12 more comprehensively predict and incor-
13 porate existing and future risks as they re-
14 late to climate change;

15 (ii) strategies to increase climate
16 change adaptation, mitigation, and resil-
17 ience in communities throughout the
18 United States;

19 (iii) ways to ensure that investments
20 and strategies around climate change ad-
21 aptation, mitigation, and resilience benefit
22 all communities, especially frontline com-
23 munities;

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

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

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

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

21 (viii) methodologies for integrating
22 and disseminating scientific knowledge of
23 projected climate change impacts and
24 risks, and other relevant data and informa-

tion, 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).

○