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1ST SESSION

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To establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 27, 2009

Mr. BINGAMAN (for himself, Mr. BAUCUS, Mr. WHITEHOUSE, and Mr. UDALL of New Mexico) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To establish an integrated Federal program that protects, restores, and conserves natural resources by responding to the threats and effects of climate change, 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 “Natural Resources Cli-
5 mate Adaptation Act”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

1 (1) to integrate Federal agency activities to re-
2 spond to ongoing and expected impacts of climate
3 change (including, if applicable, ocean acidification,
4 drought, invasive species, flooding, and wildfire) by
5 protecting, restoring, and conserving the natural re-
6 sources and associated ecosystem services of the
7 United States; and

8 (2) to provide financial support and incentives
9 for authorized programs, strategies, and activities to
10 protect, restore, and conserve natural resources and
11 associated ecosystem services in response to threats
12 and effects of climate change.

13 **SEC. 3. DEFINITIONS.**

14 In this Act:

15 (1) BOARD.—The term “Board” means the
16 Natural Resources Adaptation Science Advisory
17 Board established by section 4(e)(1).

18 (2) COASTAL STATE.—The term “coastal
19 State” has the meaning given the term “coastal
20 state” in section 304 of the Coastal Zone Manage-
21 ment Act of 1972 (16 U.S.C. 1453).

22 (3) CORRIDORS.—The term “corridors” means
23 areas that—

1 (A) provide connectivity, over different
2 time scales, of habitats or potential habitats;
3 and

4 (B) facilitate terrestrial, marine, estuarine,
5 and freshwater fish, wildlife, or plant movement
6 necessary for migration, gene flow, or dispersal,
7 to respond to the ongoing and expected impacts
8 of climate change.

9 (4) ECOSYSTEM SERVICES.—

10 (A) IN GENERAL.—The term “ecosystem
11 services” means the provision, by a healthy eco-
12 system, of natural resources to improve human
13 health and livelihood.

14 (B) INCLUSIONS.—The term “ecosystem
15 services” includes—

16 (i) a clean and abundant water sup-
17 ply;

18 (ii) carbon storage;

19 (iii) biodiversity;

20 (iv) pollination services;

21 (v) wildlife habitat;

22 (vi) recreation; and

23 (vii) a scenic or historic landscape.

24 (5) HABITAT.—The term “habitat” means the
25 physical, chemical, and biological properties that

1 fish, wildlife, or plants use for growth, reproduction,
2 survival, food, water, or cover.

3 (6) INDIAN TRIBE.—The term “Indian tribe”
4 has the meaning given the term in section 4 of the
5 Indian Self-Determination and Education Assistance
6 Act (25 U.S.C. 450b).

7 (7) NATURAL RESOURCES.—The term “natural
8 resources” means land, wildlife, fish, air, water, es-
9 tuaries, plants, habitats, and ecosystems.

10 (8) NATURAL RESOURCES ADAPTATION.—The
11 term “natural resources adaptation” means the pro-
12 tection, restoration, and conservation of natural re-
13 sources so that natural resources become more resil-
14 ient, adapt to, and withstand the ongoing and ex-
15 pected impacts of climate change.

16 (9) PANEL.—The term “Panel” means the Nat-
17 ural Resources Climate Change Adaptation Panel es-
18 tablished under section 5(a).

19 (10) PLAN.—The term “plan” means a natural
20 resources adaptation plan completed under section
21 7(a)(1).

22 (11) PROGRAM.—The term “program” means
23 the National Fish and Wildlife Habitat and Cor-
24 ridors Information Program established by the Sec-
25 retary under section 4(d)(1).

1 (12) RESILIENCE; RESILIENT.—The terms “re-
2 silience” and “resilient” mean—

3 (A) the ability to resist or recover from
4 disturbance; and

5 (B) the ability to preserve diversity, pro-
6 ductivity, and sustainability.

7 (13) SECRETARY.—The term “Secretary”
8 means the Secretary of the Interior.

9 (14) STATE.—The term “State” means—

10 (A) a State of the United States;

11 (B) the District of Columbia;

12 (C) American Samoa;

13 (D) Guam;

14 (E) the Commonwealth of the Northern
15 Mariana Islands;

16 (F) the Commonwealth of Puerto Rico;

17 and

18 (G) the United States Virgin Islands.

19 (15) STATE PLAN.—The term “State plan”
20 means a State natural resources adaptation plan
21 prepared by a State under section 8(a).

22 (16) STRATEGY.—The term “Strategy” means
23 the Natural Resources Climate Change Adaptation
24 Strategy developed under section 6(a).

1 **SEC. 4. NATURAL RESOURCES ADAPTATION SCIENCE AND**
2 **INFORMATION.**

3 (a) COORDINATION.—Not later than 90 days after
4 the date of enactment of this Act, the Secretary and the
5 Secretary of Commerce (acting through the National Oce-
6 anic and Atmospheric Administration) (referred to in this
7 section as the “Secretaries”), working with all other rel-
8 evant Federal agencies, shall establish procedures for co-
9 ordinating among Federal agencies the development and
10 dissemination of science and information necessary to ad-
11 dress the ongoing and expected impacts of climate change
12 on natural resources.

13 (b) DEVELOPMENT AND DISSEMINATION OF
14 SCIENCE.—The Secretaries shall—

15 (1) conduct and sponsor research, and facilitate
16 the coordination of research among Federal agen-
17 cies, to develop scientific strategies and mechanisms
18 for natural resources adaptation;

19 (2) make available to Federal agencies, and
20 other interested governmental or private entities,
21 technical assistance to address the ongoing and ex-
22 pected impacts of climate change on natural re-
23 sources; and

24 (3) assist Federal agencies in the development
25 of natural resources adaptation plans required by
26 section 7.

1 (c) SURVEY.—Not later than 1 year after the date
2 of enactment of this Act, and every 5 years thereafter,
3 the Secretaries and the Secretary of Agriculture shall
4 issue a climate change impact survey, in coordination with
5 other relevant Federal agencies, that—

6 (1) identifies natural resources considered likely
7 to be adversely affected by climate change;

8 (2) includes baseline monitoring and ongoing
9 trend analysis; and

10 (3) in consultation with States and Indian
11 tribes and with input from stakeholders, identifies
12 and prioritizes necessary monitoring and research
13 that is most relevant to the needs of Federal natural
14 resource managers to address the ongoing and ex-
15 pected impacts of climate change and natural re-
16 sources adaptation.

17 (d) WILDLIFE HABITAT AND CORRIDORS INFORMA-
18 TION.—

19 (1) IN GENERAL.—Not later than 180 days
20 after the date of enactment of this Act, the Sec-
21 retary, in cooperation with the States, Indian tribes,
22 and other Federal land managers, shall establish a
23 program to be known as the “National Fish and
24 Wildlife Habitat and Corridors Information Pro-
25 gram”.

1 (2) PURPOSES.—The purposes of the program
2 are—

3 (A) to develop with States and Indian
4 tribes a comprehensive national geographic in-
5 formation system database of maps, models,
6 data, surveys, informational products, and other
7 geospatial information regarding fish and wild-
8 life habitat and corridors that—

9 (i) is based on consistent protocols;

10 (ii) takes into account regional dif-
11 ferences; and

12 (iii) uses available geographical infor-
13 mation system databases and other tools,
14 including the National Biological Informa-
15 tion Infrastructure maintained by the Sec-
16 retary and nongovernmental organizations;
17 and

18 (B) to facilitate the use of the database de-
19 scribed in subparagraph (A) by Federal, State,
20 local, and tribal decisionmakers to incorporate
21 qualitative information on fish and wildlife
22 habitats and corridors at the earliest practicable
23 stage for use in—

24 (i) prioritizing and targeting natural
25 resources adaptation strategies and activi-

1 ties, including strategies and activities that
2 enhance the ability of species to respond to
3 shifting habitat; and

4 (ii) avoiding, minimizing, and miti-
5 gating the impacts on fish and wildlife
6 habitat and corridors when locating energy
7 development, water, transmission, trans-
8 portation, and other land use projects;

9 (3) FINANCIAL AND OTHER SUPPORT.—The
10 Secretary may provide support to the States and In-
11 dian tribes, including financial and technical assist-
12 ance, for activities that support the development and
13 implementation of the program.

14 (4) CONSULTATION.—In consultation with
15 States and Indian tribes, the Secretary shall make
16 recommendations on the manner by which the infor-
17 mation collected and managed under the program
18 may be incorporated into relevant Federal and State
19 plans that affect fish and wildlife, including—

20 (A) land management plans;

21 (B) State comprehensive wildlife conserva-
22 tion strategies; and

23 (C) applicable conservation plans of Indian
24 tribes.

1 (e) NATURAL RESOURCES ADAPTATION SCIENCE AD-
2 VISORY BOARD.—

3 (1) ESTABLISHMENT.—The Secretaries and the
4 Secretary of Agriculture shall—

5 (A) not later than 180 days after the date
6 of enactment of this Act, establish and appoint
7 the members of a Natural Resources Adapta-
8 tion Science Advisory Board; and

9 (B) on an ongoing basis, coordinate the ac-
10 tivities of the Board.

11 (2) MEMBERSHIP.—The Board shall be com-
12 posed of not fewer than 10 and not more than 20
13 members—

14 (A) who have expertise in fish, wildlife,
15 plant, aquatic, coastal and marine biology, ecol-
16 ogy, hydrology, climate change effects, or other
17 relevant scientific disciplines;

18 (B) who represent a balanced membership
19 among Federal, State, tribal, and local rep-
20 resentatives, and diverse interests, including in-
21 stitutions of higher education and relevant non-
22 governmental organizations and conservation
23 organizations; and

1 (C) at least $\frac{1}{2}$ of whom are recommended
2 by the President of the National Academy of
3 Sciences.

4 (3) DUTIES.—The Board shall—

5 (A) advise all relevant Federal agencies on
6 the state of the science regarding—

7 (i) the ongoing and expected impacts
8 of climate change; and

9 (ii) scientific strategies and mecha-
10 nisms for natural resources adaptation;
11 and

12 (B) identify and recommend priorities for
13 ongoing research needs on the issues described
14 in subparagraph (A).

15 (4) AVAILABILITY TO THE PUBLIC.—The advice
16 and recommendations of the Board shall be made
17 available to the public.

18 (f) NATIONAL CLIMATE CHANGE AND WILDLIFE
19 SCIENCE CENTER.—

20 (1) ESTABLISHMENT.—The Secretary shall es-
21 tablish the National Climate Change and Wildlife
22 Center within the United States Geological Survey.

23 (2) FUNCTIONS.—In collaboration with Federal
24 and State natural resources agencies and depart-
25 ments, Indian tribes, institutions of higher edu-

1 cation, and other partner organizations, the Center
2 shall—

3 (A) assess and synthesize current physical
4 and biological knowledge relating to the impacts
5 of climate change on fish, wildlife, plants, and
6 associated habitat;

7 (B) prioritize scientific gaps in the knowl-
8 edge in order to forecast the ecological impacts
9 of climate change on fish, wildlife, and plants at
10 the ecosystem, habitat, community, population,
11 and species levels;

12 (C) develop and improve tools to forecast,
13 adaptively manage, and monitor the impacts of
14 climate change on fish, wildlife, plants, and as-
15 sociated habitats, including predictive models,
16 and risk assessments; and

17 (D) develop capacities for synthesizing
18 data and for sharing standardized data and
19 methodology.

20 **SEC. 5. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
21 **TION PANEL.**

22 (a) ESTABLISHMENT.—Not later than 90 days after
23 the date of the enactment of this Act, the President shall
24 establish a Natural Resources Climate Change Adaptation
25 Panel.

1 (b) DUTIES.—The Panel shall—

2 (1) develop the Strategy; and

3 (2) serve as a forum for interagency consulta-
4 tion on the implementation of the Strategy.

5 (c) MEMBERSHIP.—The Panel shall be composed
6 of—

7 (1) the Administrator of the National Oceanic
8 and Atmospheric Administration;

9 (2) the Chief of the Forest Service;

10 (3) the Director of the National Park Service;

11 (4) the Director of the United States Fish and
12 Wildlife Service;

13 (5) the Director of the Bureau of Land Man-
14 agement;

15 (6) the Director of the United States Geological
16 Survey;

17 (7) the Commissioner of Reclamation;

18 (8) the Director of the Bureau of Indian Af-
19 fairs;

20 (9) the Director of the Minerals Management
21 Service;

22 (10) the Administrator of the Environmental
23 Protection Agency;

24 (11) the Administrator of the Federal Emer-
25 gency Management Agency;

1 (12) the Chief of Engineers; and

2 (13) the heads of other Federal agencies, as de-
3 termined by the President.

4 (d) CHAIRPERSON.—The Chair of the Council on En-
5 vironmental Quality shall serve as the Chairperson of the
6 Panel.

7 **SEC. 6. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
8 **TION STRATEGY.**

9 (a) IN GENERAL.—Not later than 1 year after the
10 date of the enactment of this Act, the Panel shall develop
11 a Natural Resources Climate Change Adaptation Strat-
12 egy.

13 (b) DEVELOPMENT.—In developing and revising the
14 Strategy, the Panel shall—

15 (1) base the strategy on the best available
16 science;

17 (2) develop the strategy in close cooperation
18 with States and Indian tribes;

19 (3) coordinate with other Federal agencies, as
20 appropriate;

21 (4) consult with local governments, conservation
22 organizations, scientists, private sector interests, and
23 other interested stakeholders; and

24 (5) provide public notice and opportunity for
25 comment.

1 (c) CONTENTS.—The Strategy shall—

2 (1) assess the vulnerability of regions and types
3 of natural resources to climate change, including
4 short-term, medium-term, long-term, and cumulative
5 impacts;

6 (2) describe current research and monitoring
7 activities at the Federal, State, tribal, and local level
8 related to—

9 (A) the ongoing and expected impacts of
10 climate change on natural resources; and

11 (B) scientific strategies and mechanisms
12 for natural resources adaptation;

13 (3) identify and prioritize research and data
14 needs; and

15 (4) provide direction to Federal agencies, and
16 make guidance available to States, Indian tribes,
17 local governments, and other interested parties for
18 use in responding to the impacts of climate change,
19 including—

20 (A) actions that Federal agencies should
21 implement through their natural resources ad-
22 aptation plans and recommendations for actions
23 that States, Indian tribes, local governments,
24 and other interested parties may implement to
25 promote natural resources adaptation; and

1 (B) a timeline for implementation of the
2 Strategy; and

3 (5) describe specific mechanisms for ensuring
4 communication and coordination—

5 (A) among Federal agencies; and

6 (B) between Federal agencies and State
7 natural resource agencies, Indian tribes, inter-
8 ested private landowners, conservation organi-
9 zations, and other countries that share jurisdic-
10 tion over natural resources with the United
11 States.

12 (d) REVISION.—After the Panel adopts the initial
13 Strategy, the Panel shall review and revise the Strategy
14 every 5 years to incorporate—

15 (1) new information regarding the ongoing and
16 expected impacts of climate change on natural re-
17 sources; and

18 (2) new advances in the development of strate-
19 gies and mechanisms for natural resources adapta-
20 tion.

21 **SEC. 7. FEDERAL AGENCY NATURAL RESOURCES ADAPTA-**
22 **TION PLANS.**

23 (a) DEVELOPMENT.—Not later than 1 year after the
24 date of development of the Strategy, each Federal agency
25 with representation on the Panel shall—

1 (1) complete a natural resources adaptation
2 plan for that Federal agency;

3 (2) provide opportunities for public review and
4 comment on the plan;

5 (3) coordinate with the plan of each other Fed-
6 eral agency with representation on the Panel; and

7 (4) submit the plan to the President for review
8 and submission to Congress.

9 (b) REQUIREMENTS.—Each plan shall—

10 (1) implement the Strategy;

11 (2) include a timeline for implementation of the
12 plan;

13 (3) describe and prioritize proposed natural re-
14 sources adaptation actions for natural resources
15 managed or impacted by activities authorized by the
16 Federal agency;

17 (4) describe how the Federal agency will modify
18 or establish other plans, programs, activities, or ac-
19 tions in accordance with applicable authority, if nec-
20 essary, to implement the plan;

21 (5) provide for the inclusion of climate change
22 and impact data in natural resources management
23 decisions;

24 (6) establish monitoring protocols—

1 (A) to assess the effectiveness of the nat-
2 ural resources adaptation actions taken by the
3 Federal agency pursuant to the plan; and

4 (B) to update those actions to respond to
5 monitoring results, other new information, and
6 changing conditions;

7 (7) establish a process for providing written
8 guidance to Federal natural resource managers for
9 implementing the natural resources adaptation ac-
10 tions identified in the plan;

11 (8) identify and assess gaps in data and infor-
12 mation useful in developing the plan; and

13 (9) establish protocols to collect, integrate, and
14 share standardized climate change and impact data
15 with Federal, State, tribal, and nongovernmental or-
16 ganizations, private landowner partners, and the
17 general public.

18 (c) PRESIDENTIAL REVIEW AND SUBMISSION TO
19 CONGRESS.—

20 (1) REVIEW.—Not later than 30 days after the
21 date of submission of a plan to the President, the
22 President shall—

23 (A) review the plan for consistency with
24 the requirements of this Act; and

1 (B) if consistent, submit the plan to Con-
2 gress in accordance with this subsection, to-
3 gether with a statement confirming the consist-
4 ency of the plan with this Act.

5 (2) INCONSISTENCY.—If the President finds a
6 plan of a Federal agency to be inconsistent with this
7 Act, the President shall direct the agency to submit
8 a revised plan not later than 60 days after the find-
9 ing.

10 (3) SUBMISSION TO CONGRESS.—The President
11 shall submit plans determined to be consistent with
12 this Act to—

13 (A) the Committee on Natural Resources
14 of the House of Representatives;

15 (B) the Committee on Energy and Natural
16 Resources of the Senate;

17 (C) the Committee on Environment and
18 Public Works of the Senate; and

19 (D) any other committees of the House of
20 Representatives or the Senate with principal ju-
21 risdiction over the Federal agency.

22 (d) IMPLEMENTATION.—On submission by the Presi-
23 dent to Congress, each Federal agency shall, pursuant to
24 and consistent with applicable authority, implement the
25 plan.

1 (e) REVISION AND REVIEW.—Not less than every 5
2 years, each Federal agency with representation on the
3 Panel shall review and revise the plan of the Federal agen-
4 cy to incorporate the best available science regarding—

5 (1) the ongoing and expected impacts of climate
6 change on natural resources; and

7 (2) the scientific strategies and mechanisms for
8 natural resources adaptation.

9 **SEC. 8. STATE NATURAL RESOURCES ADAPTATION PLANS.**

10 (a) REQUIREMENT.—In order to be eligible for funds
11 under section 9, not later than 1 year after the develop-
12 ment of the Strategy, each State shall prepare a State nat-
13 ural resources adaptation plan to address the ongoing and
14 expected impacts of climate change on natural resources
15 within the State.

16 (b) CONTENTS.—A State plan shall—

17 (1) include actions for addressing the ongoing
18 and expected impacts of climate change on natural
19 resources that—

20 (A) describe and prioritize proposed nat-
21 ural resources adaptation actions for natural re-
22 sources managed or impacted by activities au-
23 thorized by the State;

24 (B) include a time frame for implementing
25 the natural resources adaptation actions;

1 (C) are incorporated into a revision of the
2 State wildlife action plan (also known as the
3 State comprehensive wildlife strategy) that has
4 been—

5 (i) submitted to the United States
6 Fish and Wildlife Service; and

7 (ii) approved, or is pending approval,
8 by the United States Fish and Wildlife
9 Service; and

10 (D) are developed—

11 (i) with the participation of the rel-
12 evant State agencies considered appro-
13 priate by the Governor of the State; and

14 (ii) in coordination with other States
15 and Indian tribes that share jurisdiction or
16 cooperative management responsibilities
17 over natural resources with the State; and

18 (2) identify and assess gaps in data useful in
19 developing the State plan.

20 (c) REVIEW AND APPROVAL.—

21 (1) IN GENERAL.—The Secretary and, in the
22 case of parts of the State plan relating to a coastal
23 State, the Secretary of Commerce shall review each
24 State plan, and approve the State plan if the State
25 plan—

1 (A) meets the requirements of subsection
2 (b); and

3 (B) is consistent with the other require-
4 ments of this Act.

5 (2) DEADLINE.—The Secretary and, as applica-
6 ble, the Secretary of Commerce shall approve or dis-
7 approve the State plan by written notice not later
8 than 180 days after the date of submission of the
9 State plan (or a revised State plan).

10 (3) RESUBMISSION.—Not later than 90 days
11 after the date of resubmission of a State plan that
12 has been disapproved under this subsection, the Sec-
13 retary and, as applicable, the Secretary of Com-
14 merce, shall approve or disapprove the resubmitted
15 State plan by written notice.

16 (d) PUBLIC INPUT.—In developing the State plan, a
17 State shall solicit and consider the input of local govern-
18 ments, the public, and independent scientific input.

19 (e) COORDINATION WITH OTHER PLANS.—The State
20 plan shall, if appropriate, integrate the goals and meas-
21 ures set forth in other natural resources conservation
22 strategies established pursuant to applicable law (includ-
23 ing regulations), including—

24 (1) the National Fish Habitat Action Plan;

1 (2) plans under the North American Wetlands
2 Conservation Act (16 U.S.C. 4401 et seq.);

3 (3) the Federal, State, and local partnership
4 known as “Partners in Flight”;

5 (4) federally approved coastal zone management
6 plans under the Coastal Zone Management Act of
7 1972 (16 U.S.C. 1451 et seq.);

8 (5) federally approved regional fishery manage-
9 ment plans and habitat conservation activities
10 under the Magnuson-Stevens Fishery Conservation
11 and Management Act (16 U.S.C. 1801 et seq.);

12 (6) the National Coral Reef Action Plan;

13 (7) recovery plans for threatened species and
14 endangered species under section 4(f) of the Endan-
15 gered Species Act of 1973 (16 U.S.C. 1533(f));

16 (8) habitat conservation plans under section 10
17 of that Act (16 U.S.C. 1539);

18 (9) the plans for imperiled species of other Fed-
19 eral agencies, States, and Indian tribes;

20 (10) plans under subtitle F of title IX of the
21 Omnibus Public Land Management Act of 2009 (42
22 U.S.C. 10361 et seq.) and other applicable law;

23 (11) the hazard mitigation plans of States and
24 Indian tribes;

1 (12) the water management plans of States and
2 Indian tribes;

3 (13) State property insurance programs; and

4 (14) other State-based strategies that imple-
5 ment natural resources adaptation activities to reme-
6 diate the ongoing and expected effects of climate
7 change.

8 (f) UPDATING.—Each State plan shall be updated at
9 least every 5 years.

10 (g) FUNDING.—

11 (1) IN GENERAL.—Funds allocated to States
12 under section 9 shall be used only for activities con-
13 sistent with a State plan approved by the Secretary
14 and, as appropriate, the Secretary of Commerce.

15 (2) FUNDING PRIOR TO THE APPROVAL OF A
16 STATE PLAN.—Until the earlier of the date that is
17 3 years after the date of the enactment of this Act
18 or the date on which a State plan is approved, a
19 State shall be eligible to receive funding under sec-
20 tion 9 for natural resources adaptation activities
21 that are—

22 (A) consistent with the comprehensive
23 wildlife strategy of the State and, where appro-
24 priate, other natural resources conservation
25 strategies; and

1 (B) in accordance with a work plan made
2 available to relevant Federal agencies.

3 (3) PENDING APPROVAL.—During the period
4 for which approval of a State plan by the applicable
5 Secretary is pending, the State may continue to re-
6 ceive funds under this Act pursuant to the work
7 plan described in paragraph (2)(B).

8 **SEC. 9. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
9 **TION FUND.**

10 (a) ESTABLISHMENT OF FUND.—There is estab-
11 lished in the Treasury a separate account, to be known
12 as the “Natural Resources Climate Change Adaptation
13 Fund” (referred to in this section as the “Fund”).

14 (b) AVAILABILITY OF AMOUNTS.—

15 (1) IN GENERAL.—All amounts deposited into
16 the Fund shall be available without further appro-
17 priation or fiscal year limitation.

18 (2) PAYMENTS.—Subject to the requirements of
19 programs authorized as of the date of enactment of
20 this Act, the Secretary and the Secretary of Agri-
21 culture may distribute payments from the Fund in
22 accordance with subsection (c).

23 (c) DISTRIBUTION OF AMOUNTS.—

24 (1) STATES.—Of the amounts made available
25 for each fiscal year to carry out this Act, 38.5 per-

1 cent shall be provided to the Secretary for distribu-
2 tion to States to carry out natural resources adapta-
3 tion activities in accordance with natural resources
4 adaptation plans approved under section 8, and shall
5 be distributed as follows:

6 (A) 32.5 percent shall be available to State
7 wildlife agencies in accordance with the appor-
8 tionment formula established under the second
9 subsection (c) (relating to the apportionment of
10 the Wildlife Conservation and Restoration Ac-
11 count) of section 4 of the Pittman-Robertson
12 Wildlife Restoration Act (16 U.S.C. 669c); and

13 (B) 6 percent shall be available to State
14 coastal agencies pursuant to the formula estab-
15 lished by the Secretary of Commerce under sec-
16 tion 306(c) of the Coastal Management Act of
17 1972 (16 U.S.C. 1455(c)).

18 (2) NATURAL RESOURCES ADAPTATION.—Of
19 the amounts made available for each fiscal year to
20 carry out this Act—

21 (A) 17 percent shall be allocated to the
22 Secretary for use in funding—

23 (i) natural resources adaptation activi-
24 ties carried out—

1 (I) under endangered species, mi-
2 gratory species, and other fish and
3 wildlife programs administered by the
4 National Park Service, the United
5 States Fish and Wildlife Service, the
6 Bureau of Indian Affairs, and the Bu-
7 reau of Land Management;

8 (II) on wildlife refuges, National
9 Park Service land, and other public
10 land under the jurisdiction of the
11 United States Fish and Wildlife Serv-
12 ice, the Bureau of Land Management,
13 the Bureau of Indian Affairs, or the
14 National Park Service;

15 (III) by the Bureau of Reclama-
16 tion;

17 (IV) by the United States Geo-
18 logical Survey; and

19 (V) in Indian Country or on Na-
20 tive village or Regional Corporation
21 land in Alaska; and

22 (ii) the implementation of the pro-
23 gram;

24 (B) 5 percent shall be allocated to the Sec-
25 retary for natural resources adaptation activi-

1 ties carried out through cooperative grant pro-
2 grams, such as—

3 (i) the cooperative endangered species
4 conservation fund authorized under section
5 6 of the Endangered Species Act of 1973
6 (16 U.S.C. 1535);

7 (ii) programs under the North Amer-
8 ican Wetlands Conservation Act (16
9 U.S.C. 4401 et seq.);

10 (iii) the Neotropical Migratory Bird
11 Conservation Fund established by section
12 9(a) of the Neotropical Migratory Bird
13 Conservation Act (16 U.S.C. 6108(a));

14 (iv) the Coastal Program of the
15 United States Fish and Wildlife Service;

16 (v) the National Fish Habitat Action
17 Plan dated April 24, 2006 (including any
18 revisions or amendments made to the Na-
19 tional Fish Habitat Action Plan after April
20 24, 2006);

21 (vi) the Partners for Fish and Wildlife
22 Program, as carried out by the Secretary
23 under section 4 of the Partners for Fish
24 and Wildlife Act (16 U.S.C. 3773);

- 1 (vii) the Landowner Incentive Pro-
2 gram, as established by the Secretary in
3 the matter under the heading “LAND-
4 OWNER INCENTIVE PROGRAM” under the
5 heading “UNITED STATES FISH AND
6 WILDLIFE SERVICE” of title I of the De-
7 partment of the Interior, Environment,
8 and Related Agencies Appropriations Act,
9 2006 (Public Law 109–54; 119 Stat. 504);
- 10 (viii) the Wildlife Without Borders
11 Program of the United States Fish and
12 Wildlife Service;
- 13 (ix) the Migratory Species Program
14 and Park Flight Migratory Bird Program
15 of the National Park Service;
- 16 (x) the Water for America or other
17 programs carried out by the Bureau of
18 Reclamation; and
- 19 (xi) programs under—
- 20 (I) subtitle A of title VI of the
21 Omnibus Public Land Management
22 Act of 2009 (16 U.S.C. 1015 et seq.);
- 23 (II) subtitle F of title IX of the
24 Omnibus Public Land Management

1 Act of 2009 (42 U.S.C. 10361 et
2 seq.); and

3 (III) other applicable law;

4 (C) 3 percent shall be allocated to the Sec-
5 retary to provide financial assistance to Indian
6 tribes to carry out natural resources adaptation
7 activities through the Tribal Wildlife Grants
8 Program of the United States Fish and Wildlife
9 Service or other programs; and

10 (D) 12 percent shall be allocated for acqui-
11 sition of land or interests in land to carry out
12 natural resources adaptation activities as fol-
13 lows:

14 (i) $\frac{1}{6}$ shall be allocated to the Sec-
15 retary of Agriculture to provide financial
16 assistance to States and Indian tribes to
17 carry out natural resources adaptation ac-
18 tivities through the acquisition of land and
19 interests in land under section 7 of the Co-
20 operative Forestry Assistance Act of 1978
21 (16 U.S.C. 2103c).

22 (ii)(I) The remainder $\frac{5}{6}$ shall be de-
23 posited in the Land and Water Conserva-
24 tion Fund established under section 2 of
25 the Land and Water Conservation Fund

1 Act of 1965 (16 U.S.C. 460l-5) to be fur-
2 ther allocated as follows:

3 (aa) $\frac{1}{6}$ of the funds provided by
4 this subparagraph shall be allocated
5 to the Secretary to carry out natural
6 resources adaptation activities
7 through the acquisition of land and
8 interests in land under section 6 of
9 the Land and Water Conservation
10 Fund Act of 1965 (16 U.S.C. 460l-
11 8), to be made available on a competi-
12 tive basis to States, in accordance
13 with the natural resources adaptation
14 plans of States, and to Indian tribes,
15 and in accordance with subclause
16 (IV).

17 (bb) $\frac{1}{3}$ of the funds provided by
18 this subparagraph shall be allocated
19 to the Secretary to carry out natural
20 resources adaptation activities
21 through the acquisition of lands and
22 interests in land under section 7 of
23 the Land and Water Conservation
24 Fund Act of 1965 (16 U.S.C. 460l-
25 9).

1 (cc) $\frac{1}{3}$ of the funds provided by
2 this subparagraph shall be allocated
3 to the Secretary of Agriculture to
4 carry out natural resources adaptation
5 activities through the acquisition of
6 land and interests in land under sec-
7 tion 7 of the Land and Water Con-
8 servation Fund Act of 1965 (16
9 U.S.C. 460l-9).

10 (II) Deposits in the Land and Water
11 Conservation Fund under this clause
12 shall—

13 (aa) be supplemental to funds
14 provided under section 3 of the Land
15 and Water Conservation Fund Act of
16 1965 (16 U.S.C. 460l-6), which shall
17 remain available for nonadaptation
18 needs; and

19 (bb) be available to carry out this
20 Act without further appropriation or
21 fiscal year limitation.

22 (III) Amounts under subclause (I)(aa)
23 shall be made available—

24 (aa) notwithstanding section 5 of
25 the Land and Water Conservation

1 Fund Act of 1965 (16 U.S.C. 460l–
2 7); and

3 (bb) in addition to any funds
4 provided pursuant to appropriations,
5 the Energy Policy Act of 2005 (42
6 U.S.C. 15801 et seq.), or any other
7 authorization.

8 (iii) In allocating funds under this
9 subparagraph, the Secretary and the Sec-
10 retary of Agriculture shall take into con-
11 sideration factors including—

12 (I) the availability of non-Federal
13 contributions from State, local, or pri-
14 vate sources;

15 (II) opportunities to protect fish
16 and wildlife corridors or otherwise to
17 link or consolidate fragmented habi-
18 tats;

19 (III) opportunities to reduce the
20 risk of severe wildfires, drought, ex-
21 treme flooding, or other climate-re-
22 lated events that are harmful to fish
23 and wildlife and people; and

1 (IV) the potential for conserva-
2 tion of species or habitat types at seri-
3 ous risk due to climate change.

4 (3) NATIONAL FOREST AND GRASSLAND ADAP-
5 TATION.—Of the amounts made available for each
6 fiscal year to carry out this Act, 5 percent shall be
7 allocated to the Forest Service, through the Sec-
8 retary of Agriculture—

9 (A) to fund natural resources adaptation
10 activities (including water-related adaptation
11 activities) carried out in national forests and
12 national grasslands under the jurisdiction of the
13 Forest Service; and

14 (B) to carry out natural resources adapta-
15 tion activities on State, tribal, and private for-
16 est land carried out under the Cooperative For-
17 estry Assistance Act of 1978 (16 U.S.C. 2101
18 et seq.) and other authorized cooperative grant
19 programs.

20 (4) COASTAL, ESTUARINE, AND MARINE SYSTEM
21 ADAPTATION.—Of the amounts made available for
22 each fiscal year to carry out this Act, 7 percent shall
23 be allocated to the Secretary of Commerce, working
24 in cooperation with other Federal agencies, States,
25 Indian tribes, local governments, scientists, and

1 other conservation partners, to fund coastal, estua-
2 rine, and marine natural resources adaptation activi-
3 ties, through programs such as—

4 (A) the coastal and estuarine land con-
5 servation program administered by the National
6 Oceanic and Atmospheric Administration;

7 (B) the community-based restoration pro-
8 gram for fishery and coastal habitats estab-
9 lished under section 117 of the Magnuson-Ste-
10 vens Fishery Conservation and Management
11 Reauthorization Act of 2006 (16 U.S.C.
12 1891a);

13 (C) the Coastal Zone Management Act of
14 1972 (16 U.S.C. 1451 et seq.) that are specifi-
15 cally designed to strengthen the ability of coast-
16 al, estuarine, and marine resources, habitats,
17 and ecosystems to adapt to and withstand the
18 ongoing and expected impacts of climate
19 change;

20 (D) the Open Rivers Initiative;

21 (E) the Magnuson-Stevens Fishery Con-
22 servation and Management Act (16 U.S.C.
23 1801 et seq.);

24 (F) the Marine Mammal Protection Act of
25 1972 (16 U.S.C. 1361 et seq.);

1 (G) the Endangered Species Act of 1973
2 (16 U.S.C. 1531 et seq.);

3 (H) the Marine Protection, Research, and
4 Sanctuaries Act of 1972 (33 U.S.C. 1401 et
5 seq.);

6 (I) the Coral Reef Conservation Act of
7 2000 (16 U.S.C. 6401 et seq.); and

8 (J) the Estuary Restoration Act of 2000
9 (33 U.S.C. 2901 et seq.).

10 (5) ESTUARINE AND FRESHWATER ECOSYSTEM
11 ADAPTATION.—Of the amounts made available for
12 each fiscal year to carry out this Act, 7.5 percent
13 shall be allocated to the Administrator of the Envi-
14 ronmental Protection Agency and 5 percent shall be
15 available to the Secretary of the Army for use by the
16 Corps of Engineers, working in cooperation with
17 other applicable Federal agencies, for natural re-
18 sources adaptation activities for—

19 (A) large-scale freshwater aquatic eco-
20 systems, such as the Everglades, the Great
21 Lakes, Flathead Lake, the Missouri River, the
22 Mississippi River, the Colorado River, the Sac-
23 ramento-San Joaquin Rivers, the Ohio River,
24 the Columbia-Snake River System, the Apa-
25 lachicola, Chattahoochee, and Flint River Sys-

1 tem, the Connecticut River, Middle Rio Grande
2 River, and the Yellowstone River;

3 (B) large-scale estuarine ecosystems, such
4 as Chesapeake Bay, Long Island Sound, Puget
5 Sound, the Mississippi River Delta, the San
6 Francisco Bay Delta, Narragansett Bay, and
7 Albemarle-Pamlico Sound;

8 (C) freshwater and estuarine ecosystems,
9 watersheds, and basins identified and
10 prioritized by the Administrator of the Environ-
11 mental Protection Agency or the Corps of Engi-
12 neers, working in cooperation with other Fed-
13 eral agencies, States, tribal governments, local
14 governments, scientists, and other conservation
15 partners;

16 (D) estuary habitat restoration projects
17 authorized by the Estuary Restoration Act of
18 2000 (33 U.S.C. 2901 et seq.);

19 (E) aquatic restoration and protection
20 projects authorized by section 206 of the Water
21 Resources Development Act of 1996 (33 U.S.C.
22 2330); and

23 (F) other appropriate programs and activi-
24 ties.

1 (d) USE OF FUNDS BY FEDERAL AGENCIES.—Funds
2 allocated to Federal agencies under this section shall only
3 be used for natural resources adaptation activities con-
4 sistent with a natural resources adaptation plan approved
5 under section 7.

6 (e) STATE COST SHARING.—Notwithstanding any
7 other provision of law, a State that receives a grant under
8 this section shall use funds from non-Federal sources to
9 pay not less than 10 percent of the costs of each activity
10 carried out under the grant.

11 **SEC. 10. ADDITIONAL PROVISIONS REGARDING INDIAN**
12 **TRIBES.**

13 (a) FEDERAL TRUST RESPONSIBILITY.—Nothing in
14 this Act alters the Federal trust responsibility to any In-
15 dian tribe, or any treaty or other right of any Indian tribe.

16 (b) APPLICATION OF OTHER LAW.—The Secretary
17 may apply the provisions of the Indian Self-Determination
18 and Education Assistance Act (25 U.S.C. 450 et seq.) in
19 the implementation of this Act.

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