

116TH CONGRESS
1ST SESSION

S. 763

To establish the Climate Change Advisory Commission to develop recommendations, frameworks, and guidelines for projects to respond to the impacts of climate change, to issue Federal obligations, the proceeds of which shall be used to fund projects that aid in adaptation to climate change, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 2019

Mr. DURBIN introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To establish the Climate Change Advisory Commission to develop recommendations, frameworks, and guidelines for projects to respond to the impacts of climate change, to issue Federal obligations, the proceeds of which shall be used to fund projects that aid in adaptation to 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Climate Change Resiliency Fund for America Act of
6 2019”.

1 (b) TABLE OF CONTENTS.—

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.

TITLE I—CLIMATE CHANGE ADVISORY COMMISSION

- Sec. 101. Establishment of Climate Change Advisory Commission.
 Sec. 102. Duties.
 Sec. 103. Commission personnel matters.
 Sec. 104. Funding.
 Sec. 105. Termination.

TITLE II—CLIMATE CHANGE RESILIENCY FUND

- Sec. 201. Climate Change Resiliency Fund.
 Sec. 202. Compliance with Davis-Bacon Act.
 Sec. 203. Funding.

TITLE III—REVENUE

- Sec. 301. Climate change obligations.
 Sec. 302. Promotion.

2 **SEC. 2. DEFINITIONS.**

3 Except as otherwise provided, in this Act:

4 (1) COMMISSION.—The term “Commission”
 5 means the Climate Change Advisory Commission es-
 6 tablished by section 101(a).

7 (2) FUND.—The term “Fund” means the Cli-
 8 mate Change Resiliency Fund established by section
 9 201(a)(1).

10 (3) QUALIFIED CLIMATE CHANGE ADAPTATION
 11 PURPOSE.—

12 (A) IN GENERAL.—The term “qualified cli-
 13 mate change adaptation purpose” means an ob-
 14 jective with a demonstrated intent to reduce the
 15 economic, social, and environmental impact of
 16 the adverse effects of climate change.

1 (B) INCLUSIONS.—The term “qualified cli-
2 mate change adaptation purpose” includes—

- 3 (i) infrastructure resiliency and miti-
4 gation;
5 (ii) improved disaster response; and
6 (iii) ecosystem protection.

7 (4) SECRETARY.—The term “Secretary” means
8 the Secretary of Commerce.

9 **TITLE I—CLIMATE CHANGE**
10 **ADVISORY COMMISSION**

11 **SEC. 101. ESTABLISHMENT OF CLIMATE CHANGE ADVISORY**
12 **COMMISSION.**

13 (a) IN GENERAL.—There is established a commission
14 to be known as the “Climate Change Advisory Commis-
15 sion”.

16 (b) MEMBERSHIP.—The Commission shall be com-
17 posed of 11 members—

18 (1) who shall be selected from the public and
19 private sectors and institutions of higher education;
20 and

21 (2) of whom—

22 (A) 3 shall be appointed by the President,
23 in consultation with the Interagency Climate
24 Change Adaptation Task Force;

1 (B) 2 shall be appointed by the Speaker of
2 the House of Representatives;

3 (C) 2 shall be appointed by the minority
4 leader of the House of Representatives;

5 (D) 2 shall be appointed by the majority
6 leader of the Senate; and

7 (E) 2 shall be appointed by the minority
8 leader of the Senate.

9 (c) TERMS.—Each member of the Commission shall
10 be appointed for the life of the Commission.

11 (d) INITIAL APPOINTMENTS.—Each member of the
12 Commission shall be appointed not later than 90 days
13 after the date of enactment of this Act.

14 (e) VACANCIES.—A vacancy on the Commission—

15 (1) shall not affect the powers of the Commis-
16 sion; and

17 (2) shall be filled in the manner in which the
18 original appointment was made.

19 (f) INITIAL MEETING.—Not later than 30 days after
20 the date on which all members of the Commission have
21 been appointed, the Commission shall hold the initial
22 meeting of the Commission.

23 (g) MEETINGS.—The Commission shall meet at the
24 call of the Chairperson.

1 (h) QUORUM.—A majority of the members of the
2 Commission shall constitute a quorum, but a lesser num-
3 ber of members may hold hearings.

4 (i) CHAIRPERSON AND VICE CHAIRPERSON.—The
5 Commission shall select a Chairperson and Vice Chair-
6 person from among the members of the Commission.

7 **SEC. 102. DUTIES.**

8 The Commission shall—

9 (1) establish recommendations, frameworks,
10 and guidelines for a Federal investment program
11 funded by revenue from climate change obligations
12 issued under section 301 for States, municipalities,
13 and other public entities, including utility districts,
14 transit authorities, and multistate regulatory bodies
15 that—

16 (A) improves and adapts energy, transpor-
17 tation, water, and general infrastructure im-
18 pacted or expected to be impacted due to cli-
19 mate variability; and

20 (B) integrates best available science, data,
21 standards, models, and trends that improve the
22 resiliency of infrastructure systems described in
23 subparagraph (A); and

24 (2) identify categories of the most cost-effective
25 investments and projects that emphasize multiple

1 benefits to commerce, human health, and eco-
2 systems.

3 **SEC. 103. COMMISSION PERSONNEL MATTERS.**

4 (a) COMPENSATION OF MEMBERS.—

5 (1) NON-FEDERAL EMPLOYEES.—A member of
6 the Commission who is not an officer or employee of
7 the Federal Government shall be compensated at a
8 rate equal to the daily equivalent of the annual rate
9 of basic pay prescribed for level IV of the Executive
10 Schedule under section 5315 of title 5, United
11 States Code, for each day (including travel time)
12 during which the member is engaged in the perform-
13 ance of the duties of the Commission.

14 (2) FEDERAL EMPLOYEES.—A member of the
15 Commission who is an officer or employee of the
16 Federal Government shall serve without compensa-
17 tion in addition to the compensation received for the
18 services of the member as an officer or employee of
19 the Federal Government.

20 (b) TRAVEL EXPENSES.—A member of the Commis-
21 sion shall be allowed travel expenses, including per diem
22 in lieu of subsistence, at rates authorized for an employee
23 of an agency under subchapter I of chapter 57 of title
24 5, United States Code, while away from the home or reg-

1 ular place of business of the member in the performance
2 of the duties of the Commission.

3 (c) STAFF.—

4 (1) IN GENERAL.—The Chairperson of the
5 Commission may, without regard to the civil service
6 laws (including regulations), appoint and terminate
7 such personnel as are necessary to enable the Com-
8 mission to perform the duties of the Commission.

9 (2) COMPENSATION.—

10 (A) IN GENERAL.—Except as provided in
11 subparagraph (B), the Chairperson of the Com-
12 mission may fix the compensation of personnel
13 without regard to the provisions of chapter 51
14 and subchapter III of chapter 53 of title 5,
15 United States Code, relating to classification of
16 positions and General Schedule pay rates.

17 (B) MAXIMUM RATE OF PAY.—The rate of
18 pay for personnel shall not exceed the rate pay-
19 able for level V of the Executive Schedule under
20 section 5316 of title 5, United States Code.

21 **SEC. 104. FUNDING.**

22 The Commission shall use amounts in the Fund to
23 pay for all administrative expenses of the Commission.

1 **SEC. 105. TERMINATION.**

2 The Commission shall terminate on such date as the
3 Commission determines after the Commission carries out
4 the duties of the Commission under section 102.

5 **TITLE II—CLIMATE CHANGE**
6 **RESILIENCY FUND**

7 **SEC. 201. CLIMATE CHANGE RESILIENCY FUND.**

8 (a) ESTABLISHMENT.—

9 (1) IN GENERAL.—There is established within
10 the Department of Commerce the “Climate Change
11 Resiliency Fund”.

12 (2) RESPONSIBILITY OF SECRETARY.—The Sec-
13 retary shall take such action as the Secretary deter-
14 mines to be necessary to assist in implementing the
15 establishment of the Fund in accordance with this
16 Act.

17 (b) CLIMATE CHANGE ADAPTATION PROJECTS.—

18 The Secretary, in consultation with the Commission, shall
19 carry out a program to provide funds to eligible applicants
20 to carry out projects for a qualified climate change adapta-
21 tion purpose.

22 (c) ELIGIBLE ENTITIES.—An entity eligible to par-
23 ticipate in the program under subsection (b) shall in-
24 clude—

25 (1) a Federal agency;

26 (2) a State or a group of States;

1 (3) a unit of local government or a group of
2 local governments;

3 (4) a utility district;

4 (5) a tribal government or a consortium of trib-
5 al governments;

6 (6) a State or regional transit agency or a
7 group of State or regional transit agencies;

8 (7) a nonprofit organization;

9 (8) a special purpose district or public author-
10 ity, including a port authority; and

11 (9) any other entity, as determined by the Sec-
12 retary.

13 (d) APPLICATION.—An eligible entity shall submit to
14 the Secretary an application for a project for a qualified
15 climate change adaptation purpose at such time, in such
16 manner, and containing such information as the Secretary
17 may require, including data relating to any benefits, such
18 as economic impact or improvements to public health, that
19 the project is expected to provide.

20 (e) SELECTION.—The Secretary shall select projects
21 from eligible entities to receive funds under this section
22 based on criteria and guidelines determined and published
23 by the Commission.

24 (f) NON-FEDERAL FUNDING REQUIREMENT.—In
25 order to receive funds under this section, an eligible entity

1 shall provide funds for the project in an amount that is
2 equal to not less than 25 percent of the amount of funds
3 provided under this section.

4 (g) MAINTENANCE OF EFFORT.—All amounts depos-
5 ited in the Fund in accordance with section 301(a) shall
6 be used only to fund new projects in accordance with this
7 Act.

8 (h) APPLICABILITY OF FEDERAL LAW.—Nothing in
9 this Act waives the requirements of any Federal law (in-
10 cluding regulations) that would otherwise apply to a quali-
11 fied climate change project that receives funds under this
12 section.

13 **SEC. 202. COMPLIANCE WITH DAVIS-BACON ACT.**

14 (a) IN GENERAL.—All laborers and mechanics em-
15 ployed by contractors and subcontractors on projects fund-
16 ed directly by or assisted in whole or in part by and
17 through the Fund pursuant to this title shall be paid
18 wages at rates not less than those prevailing on projects
19 of a character similar in the locality as determined by the
20 Secretary of Labor in accordance with subchapter IV of
21 chapter 31 of part A of title 40, United States Code.

22 (b) LABOR STANDARDS.—With respect to the labor
23 standards specified in this section, the Secretary of Labor
24 shall have the authority and functions set forth in Reorga-
25 nization Plan Numbered 14 of 1950 (64 Stat. 1267; 5

1 U.S.C. App.) and section 3145 of title 40, United States
2 Code.

3 **SEC. 203. FUNDING.**

4 The Secretary shall use funds made available to the
5 Secretary and not otherwise obligated to carry out the pro-
6 gram under section 201(b).

7 **TITLE III—REVENUE**

8 **SEC. 301. CLIMATE CHANGE OBLIGATIONS.**

9 (a) IN GENERAL.—Not later than 6 months after the
10 date of the enactment of this Act, the Secretary of the
11 Treasury or the Secretary’s delegate (referred to in this
12 title as the “Secretary”) shall issue obligations under
13 chapter 31 of title 31, United States Code (referred to
14 in this title as “climate change obligations”), the proceeds
15 from which shall be deposited in the Fund.

16 (b) FULL FAITH AND CREDIT.—Payment of interest
17 and principal with respect to any climate change obliga-
18 tion issued under this section shall be made from the gen-
19 eral fund of the Treasury of the United States and shall
20 be backed by the full faith and credit of the United States.

21 (c) EXEMPTION FROM LOCAL TAXATION.—All cli-
22 mate change obligations issued by the Secretary, and the
23 interest on or credits with respect to such obligations,
24 shall not be subject to taxation by any State, county, mu-
25 nicipality, or local taxing authority.

1 (d) AMOUNT OF CLIMATE CHANGE OBLIGATIONS.—

2 (1) IN GENERAL.—Except as provided in para-
3 graph (2), the aggregate face amount of the climate
4 change obligations issued annually under this section
5 shall be \$200,000,000.

6 (2) ADDITIONAL OBLIGATIONS.—For any cal-
7 endar year in which all of the obligations issued pur-
8 suant to paragraph (1) have been purchased, the
9 Secretary may issue additional climate change obli-
10 gations during such calendar year, provided that the
11 aggregate face amount of such additional obligations
12 does not exceed \$800,000,000.

13 (e) FUNDING.—The Secretary shall use funds made
14 available to the Secretary and not otherwise obligated to
15 carry out the purposes of this section.

16 **SEC. 302. PROMOTION.**

17 (a) IN GENERAL.—The Secretary shall promote the
18 purchase of climate change obligations through such
19 means as are determined appropriate by the Secretary,
20 with the amount expended for such promotion not to ex-
21 ceed \$10,000,000 for any fiscal year during the period of
22 fiscal years 2020 through 2024.

23 (b) DONATED ADVERTISING.—In addition to any ad-
24 vertising paid for with funds made available under sub-
25 section (c), the Secretary shall solicit and may accept the

1 donation of advertising relating to the sale of climate
2 change obligations.

3 (c) AUTHORIZATION OF APPROPRIATIONS.—For each
4 fiscal year during the period of fiscal years 2020 through
5 2024, there is authorized to be appropriated \$10,000,000
6 to carry out the purposes of this section.

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