

113TH CONGRESS
1ST SESSION

S. 1202

To establish an integrated Federal program to respond to ongoing and expected impacts of extreme weather and climate change by protecting, restoring, and conserving the natural resources of the United States, and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

IN THE SENATE OF THE UNITED STATES

JUNE 20, 2013

Mr. WHITEHOUSE (for himself and Mr. BAUCUS) 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 to respond to ongoing and expected impacts of extreme weather and climate change by protecting, restoring, and conserving the natural resources of the United States, and to maximize government efficiency and reduce costs, in cooperation with State, local, and tribal governments and other entities.

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) natural resources provide significant bene-
7 fits to the people and economy of the United States,
8 including—

9 (A) abundant clean water supplies;

10 (B) flood and coastal storm protection;

11 (C) clean air;

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

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

17 (F) hunting and fishing opportunities and
18 support of subsistence communities;

19 (G) scientific research and education; and

20 (H) world-class tourism destinations that
21 support local economies;

22 (2) the United States Geological Survey, Na-
23 tional Oceanic and Atmospheric Administration, Na-
24 tional Aeronautics and Space Administration, and
25 other agencies within the United States Global
26 Change Research Program have observed that the

1 natural resources of the United States are facing in-
2 creasing impacts from extreme weather and climate
3 change, including—

4 (A) more frequent and severe droughts and
5 heatwaves;

6 (B) more frequent and severe storms and
7 floods;

8 (C) more frequent and severe wildfires;

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

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

13 (F) melting glaciers and sea ice;

14 (G) thawing permafrost;

15 (H) shifting fish, wildlife, and plant popu-
16 lation ranges;

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

21 (J) ocean acidification; and

22 (3) the Federal Government should provide
23 leadership in preparing for and responding to the
24 impacts described in paragraph (2) to ensure that
25 present and future generations continue to receive

1 the benefits of the abundant and diverse natural re-
2 sources of the United States.

3 (b) PURPOSES.—The purpose of this Act is to estab-
4 lish an integrated Federal program—

5 (1) to respond to ongoing and expected impacts
6 of extreme weather and climate change by pro-
7 tecting, restoring, and conserving the natural re-
8 sources of the United States; and

9 (2) to maximize government efficiency and re-
10 duce costs, in cooperation with State, local, and trib-
11 al governments and other entities.

12 (c) NATURAL RESOURCES CLIMATE CHANGE ADAP-
13 TATION POLICY.—It is the policy of the Federal Govern-
14 ment, in cooperation with State and local governments, In-
15 dian tribes, and other interested stakeholders to evaluate
16 and reduce the increased risks and vulnerabilities associ-
17 ated with future extreme weather events and other climate
18 impacts in carrying out the respective missions of those
19 entities and to use all practicable means to protect, re-
20 store, and conserve natural resources so that natural re-
21 sources—

22 (1) become more resilient, adapt to, and with-
23 stand the ongoing and expected impacts of extreme
24 weather and climate change; and

1 (2) can continue safeguarding the communities
2 in, and sustaining the economy of, the United
3 States.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

6 (1) BOARD.—The term “Board” means the
7 Science Advisory Board established under section
8 6(b)(1).

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

12 (3) CORRIDORS.—The term “corridors” means
13 areas that—

14 (A) provide connectivity, over different
15 time scales, of landscapes, habitats or potential
16 habitats, and ecological processes; and

17 (B) facilitate terrestrial, marine, estuarine,
18 and freshwater fish, wildlife, or plant movement
19 that is necessary—

20 (i) for migration, gene flow, or dis-
21 persal; or

22 (ii) to respond to the ongoing and ex-
23 pected impacts of climate change (includ-
24 ing, where applicable, ocean acidification,
25 drought, flooding, and wildfire).

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) nutrient cycling;
- 6 (B) pollination;
- 7 (C) predator-prey relationships;
- 8 (D) soil formation;
- 9 (E) gene flow;
- 10 (F) disease epizootiology;
- 11 (G) larval dispersal and settlement;
- 12 (H) hydrological cycling;
- 13 (I) decomposition; and
- 14 (J) disturbance regimes, such as fire and
 15 flooding.

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

1 (7) NATURAL RESOURCES.—The term “natural
2 resources” means land, wildlife, fish, air, water,
3 plants, habitats, and ecosystems of the United
4 States.

5 (8) NATURAL RESOURCES ADAPTATION.—The
6 term “natural resources adaptation” means the pro-
7 tection, restoration, and conservation of natural re-
8 sources so that natural resources become more resil-
9 ient, adapt to, and withstand the ongoing and ex-
10 pected impacts of extreme weather and climate
11 change (including, where applicable, ocean acidifica-
12 tion, drought, flooding, and wildfire).

13 (9) PANEL.—The term “Panel” means the Nat-
14 ural Resources Climate Change Adaptation Panel es-
15 tablished under section 4(a).

16 (10) RESILIENCE; RESILIENT.—The terms “re-
17 silience” and “resilient”, with respect to a natural
18 resource, mean the ability of the natural resource to
19 recover from disturbance.

20 (11) 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 (12) STRATEGY.—The term “Strategy” means
7 the National Fish, Wildlife, and Plants Climate Ad-
8 aptation Strategy released March 26, 2013.

9 **SEC. 4. NATURAL RESOURCES CLIMATE CHANGE ADAPTA-**
10 **TION PANEL.**

11 (a) ESTABLISHMENT.—Not later than 90 days after
12 the date of enactment of this Act, the President shall es-
13 tablish a Natural Resources Climate Change Adaptation
14 Panel composed of the heads of Federal agencies or de-
15 partments with jurisdiction over natural resources of the
16 United States and State and tribal representatives, includ-
17 ing—

18 (1) the Administrator of the National Oceanic
19 and Atmospheric Administration;

20 (2) the Chief of the Forest Service;

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

22 (4) the Director of the United States Fish and
23 Wildlife Service;

24 (5) the Director of the Bureau of Land Man-
25 agement;

1 (6) the Director of the United States Geological
2 Survey;

3 (7) the Commissioner of Reclamation;

4 (8) the Director of the Bureau of Indian Af-
5 fairs;

6 (9) the Administrator of the Environmental
7 Protection Agency;

8 (10) the Chief of Engineers;

9 (11) the Chair of the Council on Environmental
10 Quality, who shall serve as Chairperson of the Panel;

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

13 (13) State representatives from each regional
14 association of State fish and wildlife agencies; and

15 (14) not less than 2 tribal representatives.

16 (b) DUTIES.—The Panel shall serve as a forum for
17 interagency consultation on, and the coordination of, the
18 development and implementation of the Strategy.

19 **SEC. 5. NATIONAL FISH, WILDLIFE, AND PLANTS CLIMATE**
20 **ADAPTATION STRATEGY.**

21 (a) IN GENERAL.—The Panel shall adopt the Strat-
22 egy to protect, restore, and conserve natural resources so
23 that natural resources become more resilient, adapt to,
24 and withstand the ongoing and expected impacts of ex-
25 treme weather and climate change.

1 (b) REVIEW AND REVISION.—Beginning in fiscal
2 year 2017, and every 4 years thereafter, the Panel shall
3 review and revise the Strategy to incorporate—

4 (1) new information regarding the ongoing and
5 expected impacts of climate change on natural re-
6 sources; and

7 (2) new advances in the development of natural
8 resources adaptation strategies.

9 (c) REQUIREMENTS.—In revising the Strategy, the
10 Panel shall—

11 (1) use the best available science; and

12 (2) provide public notice and opportunity for
13 comment from all interested stakeholders.

14 (d) CONTENTS.—A revised Strategy shall—

15 (1) assess the vulnerability of natural resources
16 to climate change, including short-term, medium-
17 term, long-term, cumulative, and synergistic im-
18 pacts;

19 (2) describe current, observation, and moni-
20 toring activities at the Federal, State, tribal, and
21 local levels relating to the ongoing and expected im-
22 pacts of climate change on natural resources;

23 (3) identify and prioritize research and data
24 needs;

1 (4) identify natural resources likely to have the
2 greatest need for protection, restoration, and con-
3 servation due to the ongoing and expanding impacts
4 of extreme weather and climate change;

5 (5) include specific protocols for integrating
6 natural resources adaptation strategies and activities
7 into the conservation and management of natural re-
8 sources by Federal agencies to ensure consistency
9 across agency jurisdictions;

10 (6) identify opportunities for maintaining, re-
11 storing, or enhancing natural resources to reduce the
12 risks of extreme weather and climate change on
13 other vulnerable sectors of society;

14 (7) identify Federal policies and actions that
15 may reduce resilience and increase the vulnerability
16 of natural resources to extreme weather and climate
17 change;

18 (8) include specific actions that Federal agen-
19 cies shall take to protect, conserve, and restore nat-
20 ural resources to become more resilient, adapt to,
21 and withstand the ongoing and expected impacts of
22 climate change, including a timeline to implement
23 those actions;

24 (9) include specific mechanisms for ensuring
25 communication and coordination—

1 (A) among Federal agencies; and

2 (B) between Federal agencies and State
3 natural resource agencies, territories of the
4 United States, Indian tribes, private land-
5 owners, conservation organizations, and other
6 countries that share jurisdiction over natural
7 resources with the United States;

8 (10) include specific actions to develop and im-
9 plement coordinated natural resources inventory and
10 monitoring protocols through interagency coordina-
11 tion and collaboration with States and local govern-
12 ments, Indian tribes, and private organizations; and

13 (11) include procedures for guiding the develop-
14 ment of detailed agency-specific adaptation plans re-
15 quired under section 7.

16 (e) IMPLEMENTATION.—

17 (1) IN GENERAL.—Consistent with other laws
18 and Federal trust responsibilities concerning Indian
19 land, each Federal agency represented on the Panel
20 shall integrate the elements of the Strategy that re-
21 late to conservation, restoration, and management of
22 natural resources into agency plans, environmental
23 reviews, and programs.

24 (2) PUBLIC REPORT.—Each Federal agency
25 represented on the Panel shall, on an annual basis,

1 make available to the public a report documenting
 2 the actions of the agency in implementing the Strat-
 3 egy.

4 (3) COORDINATION.—The Panel shall coordi-
 5 nate the implementation of the Strategy with non-
 6 Panel Federal agencies to achieve the national policy
 7 described in section 2(c).

8 **SEC. 6. NATURAL RESOURCES ADAPTATION SCIENCE AND**
 9 **INFORMATION.**

10 (a) NATIONAL CLIMATE CHANGE AND WILDLIFE
 11 SCIENCE CENTER.—

12 (1) ESTABLISHMENT.—The Secretary of the In-
 13 terior, in collaboration with the States, Indian tribes,
 14 and other partner organizations, shall establish a
 15 National Climate Change and Wildlife Science Cen-
 16 ter within the United States Geological Survey.

17 (2) DUTIES OF CENTER.—The Center shall as-
 18 sess and develop scientific information, tools, strate-
 19 gies, and techniques to be used by the Panel, Fed-
 20 eral and State agencies, and other interested parties
 21 in addressing the impacts of extreme weather and
 22 climate change on natural resources.

23 (3) GENERAL AUTHORITY TO ENTER INTO CON-
 24 TRACTS, GRANTS, AND COOPERATIVE AGREE-
 25 MENTS.—The Secretary may enter into contracts,

1 grants, or cooperative agreements, for periods not to
 2 exceed 5 years, with State agencies, State coopera-
 3 tive extension services, institutions of higher edu-
 4 cation, other research or educational institutions and
 5 organizations, Federal and private agencies and or-
 6 ganizations, individuals, and any other contractor or
 7 recipient, to further the duties under paragraph (2)
 8 without regard to—

9 (A) any requirements for competition;

10 (B) section 6101 of title 41, United States
 11 Code; or

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

14 (b) SCIENCE ADVISORY BOARD.—

15 (1) IN GENERAL.—Not later than 180 days
 16 after the date of enactment of this Act, the Sec-
 17 retary of Commerce and the Secretary of the Inte-
 18 rior shall establish and appoint the members of a
 19 Science Advisory Board.

20 (2) MEMBERSHIP.—The Board shall be com-
 21 prised of not fewer than 10 and not more than 20
 22 members—

23 (A) who have expertise in biology (includ-
 24 ing fish, wildlife, plant, aquatic, coastal, and
 25 marine biology), ecology, climate change (in-

cluding, where applicable, ocean acidification, drought, flooding, and wildfire), and other relevant scientific disciplines;

(B) who are scientists that represent a balanced membership among Federal, State, tribal, and local representatives, institutions of higher education, and other interested parties; and

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

(3) DUTIES.—The Board shall—

(A) advise the Panel on the state of the science regarding—

(i) the ongoing and expected impacts of extreme weather and climate change on natural resources; and

(ii) scientific strategies and mechanisms for natural resources 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) and other Federal climate science institutions; and

1 (C) review and comment on each revised
 2 Strategy before that Strategy is finalized.

3 (4) COLLABORATION.—The Board shall collabo-
 4 rate with climate change and ecosystem research en-
 5 tities in other Federal agencies and departments.

6 (5) AVAILABILITY TO PUBLIC.—The advice and
 7 recommendations of the Board shall be made avail-
 8 able to the public.

9 **SEC. 7. FEDERAL NATURAL RESOURCE AGENCY ADAPTA-**
 10 **TION PLANS.**

11 (a) DEVELOPMENT.—Not later than 1 year after the
 12 date of enactment of this Act and not later than 1 year
 13 after the date of each revision of the Strategy, each Fed-
 14 eral agency with representation on the Panel shall—

15 (1) complete a natural resources adaptation
 16 plan for that Federal agency that is consistent with
 17 the revised Strategy;

18 (2) detail the ongoing and expanding proposed
 19 actions of the Federal agency, and any changes in
 20 decisionmaking processes necessary to increase the
 21 ability of resources under the jurisdiction of the
 22 agency;

23 (3) provide opportunities for public review and
 24 comment on the plan;

1 (4) coordinate with the plan of each other Fed-
2 eral agency with representation on the Panel; and

3 (5) submit the plan to the President for ap-
4 proval.

5 (b) REQUIREMENTS.—Each adaptation plan shall—

6 (1) identify and prioritize specific conservation
7 strategies and actions that address the ongoing and
8 expected impacts of extreme weather and climate
9 change on natural resources under the jurisdiction of
10 the department or agency preparing the plan, includ-
11 ing—

12 (A) protection, restoration, and conserva-
13 tion of natural resources to become more resil-
14 ient, adapt to, and better withstand the impacts
15 of extreme weather and climate change; and

16 (B) protection of habitats and ecosystems,
17 the diversity of native fish, wildlife, and plant
18 populations, and wildlife corridors, including—

19 (i) protection, restoration, and con-
20 servation of terrestrial, marine, estuarine,
21 and freshwater habitats and ecosystems;

22 (ii) establishment of terrestrial, ma-
23 rine, estuarine, and freshwater corridors;

24 (iii) restoration and conservation of
25 ecological processes;

1 (iv) protection of a broad diversity of
 2 native species of fish, wildlife, and plant
 3 populations across the ranges of those spe-
 4 cies; and

5 (v) protection of fish, wildlife, and
 6 plant health, recognizing that climate can
 7 alter the distribution and ecology of
 8 parasites, pathogens, and vectors;

9 (2) describe how the agency will—

10 (A) integrate the strategies and conserva-
 11 tion activities into plans, programs, activities,
 12 and actions of the agency relating to the con-
 13 servation and management of natural resources;

14 (B) establish new plans, programs, activi-
 15 ties, and actions, if necessary;

16 (C) maintain or restore corridors; and

17 (D) minimize the impacts of energy, devel-
 18 opment, water, transportation, and trans-
 19 mission projects and other activities on wildlife
 20 and wildlife habitat;

21 (3) establish methods—

22 (A) to assess the effectiveness of strategies
 23 and conservation actions the agency takes to
 24 protect, restore, and conserve natural resources
 25 so natural resources become more resilient,

1 adapt to, and withstand the ongoing and ex-
2 pected impacts of climate change; and

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

6 (4) describe current and proposed mechanisms
7 to enhance cooperation and coordination of natural
8 resources adaptation efforts with other Federal
9 agencies, State and local governments, Indian tribes,
10 and nongovernmental stakeholders;

11 (5) include written guidance to resource man-
12 agers; and

13 (6) identify and assess data and information
14 gaps necessary to develop natural resources adapta-
15 tion plans and strategies.

16 (c) IMPLEMENTATION.—

17 (1) IN GENERAL.—On approval by the Presi-
18 dent, each Federal agency with representation on
19 the Panel shall, consistent with existing authority,
20 implement the adaptation plan of the agency
21 through existing and new plans, policies, programs,
22 activities, and actions.

23 (2) CONSIDERATION OF IMPACTS.—To the max-
24 imum extent practicable and consistent with existing
25 authority, natural resource management decisions

1 made by each Federal agency with representation on
2 the Panel shall—

3 (A) consider the ongoing and expected im-
4 pacts of extreme weather and climate change on
5 natural resources; and

6 (B) select alternatives that will avoid and
7 minimize those impacts and promote resilience.

8 (d) REVISION AND REVIEW.—Not later than 4 years
9 after the date of implementation of the adaptation plan
10 of a Federal agency, and every 4 years thereafter, the Fed-
11 eral agency shall review and revise the adaptation plan to
12 incorporate the best available science, including advice and
13 information pursuant to section 6 and other information,
14 regarding the ongoing and expected impacts of climate
15 change on natural resources.

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

17 (a) REQUIREMENT.—To be eligible to receive funds
18 pursuant to subsection (d), not later than 1 year after the
19 date of enactment of this Act and not later than 1 year
20 after the date of each revision of the Strategy, each State
21 shall prepare and submit to the Secretary of the Interior
22 and, as applicable, the Secretary of Commerce, a State
23 natural resources adaptation plan detailing current and
24 future efforts of the State to address the ongoing and ex-

1 pected impacts of climate change on natural resources and
 2 coastal areas within the jurisdiction of the State.

3 (b) REVIEW OR APPROVAL.—The Secretary of the In-
 4 terior and, as applicable, the Secretary of Commerce
 5 shall—

6 (1) review each State adaptation plan; and

7 (2) approve a State adaptation plan if the
 8 plan—

9 (A) meets the requirements of subsection

10 (c); and

11 (B) is consistent with the Strategy.

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

13 (1) meet the requirements described in section
 14 7(b);

15 (2) include the adaptation provisions of any
 16 State comprehensive wildlife conservation strategy
 17 (or State wildlife action plan) that has been—

18 (A) submitted to the United States Fish
 19 and Wildlife Service; and

20 (B) approved, or is pending approval, by
 21 the United States Fish and Wildlife Service;

22 (3) include the adaptation provisions of a state-
 23 wide assessment and strategy for forest resources re-
 24 quired under section 2A of the Cooperative Forestry

1 Assistance Act of 1978 (16 U.S.C. 2101a) that has
2 been—

3 (A) submitted to the Secretary of Agri-
4 culture; and

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

7 (4) include the adaptation provisions of a
8 Coastal Zone Management Plan or a Coastal and
9 Estuarine Land Conservation Program Plan that
10 has been—

11 (A) submitted to the National Oceanic and
12 Atmospheric Administration; and

13 (B) approved, or is pending approval, by
14 the National Oceanic and Atmospheric Admin-
15 istration.

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

18 (1) used to carry out natural resources adapta-
19 tion activities in accordance with adaptation plans
20 approved under this section; and

21 (2) made available through—

22 (A) the State and tribal wildlife grant pro-
23 gram under title I of division F of the Consoli-
24 dated Appropriations Act, 2008 (Public Law
25 110–161; 121 Stat. 2103); and

1 (B)(i) the grant program under section
 2 306 of the Coastal Zone Management Act of
 3 1972 (16 U.S.C. 1455); and

4 (ii) the Coastal and Estuarine Land Con-
 5 servation Program established under title II of
 6 the Department of Commerce and Related
 7 Agencies Appropriations Act, 2002 (16 U.S.C.
 8 1456d).

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 natural resources
 15 conservation strategies and plans.

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

18 **SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

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

