

H.R. 2454 – America’s Clean Energy and Security Act of 2009

As passed by U.S. House of Representatives – June 26, 2009

Summary of Domestic Adaptation Provisions

Subtitle E – Adapting to Climate Change

Part 1-Domestic Adaptation

Subpart A – National Climate Change Adaptation Program

Section 451. Global Change Research and Data Management

(a) **Short Title** - This section may be cited as “Global Change Research and Data Management Act of 2009”

(b) Global Change Research

- Purpose of the subsection is to provide for a U.S. observation, research, and outreach program to understand, assess, predict, and respond to the effects of global change.
- Directs President to establish an Interagency Committee to ensure coordination and cooperation of Federal research activities.
 - Composition: Research and program representatives of agencies conducting global change research, with authority over resources affected by global change, and with authority to mitigate global change.
 - Functions: develop plan and oversee implementation; forum for developing vulnerability assessments; cooperation among federal agencies; work with academic, state, industry and other groups; cooperate with Secretary of State
- Establishes an Interagency U.S. Global Change Research Program led by OSTP.
 - Functions: Identify activities included in the plan and allocate funds for identified interagency activities which may include climate scenarios, climate models, climatic zones, regional workshops (at least one per year in each region to facilitate stakeholder information exchange)
- President to create a National Global Change Research and Assessment Plan for the Program that addresses the information needs of Federal, State, regional and local authorities to develop policies to mitigate global change and reduce vulnerabilities.
 - Requires agreements with both the National Academy of Sciences and the National Governors Association to provide for evaluations of the plan.
 - Requires public participation in developing the plan.
- Requires a Vulnerability Assessment every 5 years focused on trends, impacts and implications on global and regional scales.
- Requires a Policy Assessment every 4 years by the National Academy of Public Administration (NAPA) and NAS focused on identifying and evaluating policy options used at Federal, State and local levels to mitigate or adapt to climate change.
- Repeals Titles I and III of the Global Change Research Act of 1990.
- Establishes a Global Change Research Information Exchange for the purpose of making research and information accessible electronically.
- Requires both an Ice Sheet and Hurricane Frequency and Intensity Study and Report.

(c) Climate and Other Global Change Data Management

- Establishes climate and other global change data management and archiving as Federal agency missions and establishes Federal policies for managing and archiving climate and global change data.
- President is to establish an Interagency Working Group to make recommendations for coordinating Federal climate and other global change data management and archiving activities.

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Sec 452.National Climate Service

- (a) Short Title** - This section may be cited as the “National Climate Service Act of 2009”
- (b) Purpose** – Section establishes a National Climate Service and defines NOAA activities to advance understanding of climate change, provide information to the public, and support development of adaptation and response plans.
- (c) Definitions**
- (d) Interagency Development of a National Climate Service (NCS)** - President to initiate a 3 year process conducted by the National Science and Technology Council and led by the OSTP Director to evaluate options for and create an NCS to support collaborative interagency research and an operational program to meet the needs of decision makers in federal agencies, state, local and tribal governments, regional entities, other stakeholders and users. The NCS would integrate the functions of the USGCRP established above and the Climate Service Program established below.
- (e) Climate Service Program (CSP)**
- Establishes a Climate Service Program within NOAA comprised of a Climate Service Office and a network of regional and local facilities, including the National Weather Service offices, RISAs, NIDIS, 6 new Regional Climate Centers and others as necessary.
 - Function of CSP: analysis of the effects of weather and climate on sectors; provides technical support for Federal, regional, State, tribal and local governments to assess and respond to climate; develop systems to manage and disseminate information; facilitate use of climate information by users and stakeholders.
 - Creates a Climate Service Office in NOAA
 - Function: coordinate programs within NOAA, ensure exchange of information between research and operational offices within NOAA, serve as a liaison to and exchange information with other Federal agencies that provide climate services, ensure exchange of data and information with USGCRP, etc.
 - Establishes 6 Regional Climate Centers
 - Function: work with State Climate Offices to facilitate collection and exchange of data and information between the States and Federal Govt. and to support State and local adaptation and response planning.
 - Expands / clarifies the role of RISAs:
 - Function: work with State Climate Offices, Regional Climate Offices, users and stakeholders on models, tools, and other climate products, to facilitate development of regional and local adaptation plans.
 - Expands / clarifies the role of the NESDIS and NIDIS to support adaptation.
- (f) Climate Services Advisory Committee** – The Undersecretary is to establish committee comprised of 25 members serving 3 year terms to advise Congress and the CSP.
- (g) Repeal** - The National Climate Program Act is repealed.
- (h) RISA Teams** – Re-establishes the process for selecting multi-institutional teams under 5 year agreements.
- (i) Survey of Need for Climate Services** – The Under Secretary is to complete the survey within 9 months of enactment.
- (j) Implementation Plan** – The Undersecretary to prepare a plan for creating the CSP in NOAA – draft in 30 days and final plan in 1 year – identifying gaps in climate services, roles within NOAA, resource needs, etc.
- (k) Summer Institutes Program at RISAs** – To provide training to teachers to incorporate climate sciences into curricula.
- (l) Clearinghouse of Federal Climate Service Products** – To inform all levels of government and the public of information and services available to assess impacts, forecast climate variability and develop adaptation strategies.
- (m) Financial Burden** – Nothing in this section requires state, tribal, or local governments to develop adaptation or response plans or to take other actions that may result in an increased financial burden.

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Sec. 453.State Programs to Build Resilience to Climate Change Impacts

- Beginning in 2012, emission allowances are distributed directly to States, based on state population and a per capita income factor, to be used for implementation of projects, programs or measures to increase resilience to impacts of climate change. The percentage of total allowances for State programs under this section would be: 0.9% from 2012-2021; 1.9% from 2022-2026; and 3.9% from 2027-2050 (1% of these allowances are reserved for distribution to Indian tribes).
- Beginning in 2015, States and Tribes must complete and have approved an Adaptation Plan every 5 years in order to receive allowances. Plans must include: vulnerability assessment to a broad range of climate change impacts; assessment of carbon reduction potential through land management policies; identification and prioritization of cost effective projects, programs and measures to build resiliency; and consideration of initiatives that protect or enhance natural ecosystem functions and the use of non-structural approaches. The President is to designate a lead agency or administrator to oversee this section.

Subpart B – Public Health and Climate Change

Sec.461.Sense of Congress on Public Health and Climate Change

- The Federal Government, in cooperation with international, State, tribal and local governments, and the public should use all practicable means possible to prepare health systems to respond to the impacts of climate change.

Sec.462 Relationship to Other Laws

- Nothing in this subpart limits authority of any Federal agency conferred by any law or regulation.

Sec.463.National Strategic Action Plan

- Requires the Secretary of HHS to create a National Strategic Action Plan and update the Plan every 4 years beginning 2014. Defines the required contents of the plan including among other things, provisions for: prediction and monitoring tools at national, regional, state and local levels; the establishment of academic and regional centers of excellence; assessing preparedness and response strategies; assisting in State, regional, local and tribal preparedness; and advancing research across federal agencies to prioritize critical public health infrastructure projects related to climate change impacts, coordinate preparedness for health impacts, and identify and assess preparedness and response strategies.

Sec.464.Advisory Board

- Creates a permanent Science Advisory Board of 10-20 members to advise the Secretary of HHS on climate science.

Sec.465.Reports

- Requires a Needs Assessment for programs to help health professionals prepare for and respond to climate change impacts on public health.

Sec.466.Definitions

Sec.467.Climate Change Health Protection and Promotion Fund

- This section establishes a Climate Change Health Protection and Promotion Fund in the Treasury to carry out this subpart. Funds can be made available to other agencies of the Federal government, foreign, state, tribal, and local governments, and other entities and are intended to supplement existing sources of funds for public health. Title IV, Sec. 782(l)(2) requires that 0.1% of total available allowances from 2012-2050 be deposited into this fund.

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Subpart C – Natural Resources Adaptation

Sec.471.Purposes

- Purpose of this subpart is to establish an integrated Federal program, as well as financial support and incentives, to protect, restore, and conserve natural resources in response to threats of climate change and ocean acidification.

Sec.472.Natural Resources Climate Change Adaptation Policy

- Establishes the policy of the Federal government to use all practicable means to protect and conserve natural resources and facilitate resilience and adaptation to impacts of climate change and ocean acidification.

Sec.473.Definitions

Sec 474 Council on Environmental Quality

- CEQ is to advise the President on implementation of the Natural Resources Climate Change Adaptation Strategy (Sec.476) and Federal agency natural resources adaptation plans (Sec.478); serve as Chair of the Natural Resources Climate Change Adaptation Panel (Sec.475); and coordinate Federal agency strategies, plans, programs, etc. as it pertains to natural resources adaptation.

Sec. 475 Natural Resources Climate Change Adaptation Panel

- Establishes the Panel, chaired by CEQ, with members from: NOAA, Forest Service, NPS, FWS, BLM, USGS, Bureau of Reclamation, BIA, EPA, Army Corp of Engineers, and others as appropriate.

Sec. 476 Natural Resources Climate Change Adaptation Strategy

- Requires the Panel to create a Natural Resources Climate Change Adaptation Strategy in close cooperation with States and Indian tribes, local governments, conservation organizations, scientists and other interested stakeholders and provide public notice and opportunity for comment. The Plan is to be reviewed and revised every 5 years.
- The Strategy is to include, among other things: vulnerability assessments; identification of natural resources with the greatest need for protection, restoration and conservation; protocols for integrating adaptation strategies and activities into Federal management of natural resources to ensure consistency across jurisdictions and resources; mechanisms for coordination among Federal agencies, between Federal agencies and State agencies, Indian Tribes, private landowners, conservation organizations, and other nations that share jurisdiction over natural resources with the United States; and a process for development of agency adaptation plans (required under Sec.478).
- Federal departments or agencies with representation on the Panel, shall consider the impacts of climate change and ocean acidification and integrate the elements of the Strategy into agency plans, environmental reviews, programs, and activities related to conservation, restoration, and management of natural resources.

Sec. 477 Natural Resources Adaptation Science and Information

- Directs NOAA and USGS to establish a coordinated process (within 90 days of enactment) for developing and providing science and information needed to assess and address the impacts of climate change and ocean acidification on natural resources. The process shall be led by the National Climate Change and Wildlife Science Center (established within the USGS under this section) and the National Climate Service of NOAA. This section also establishes a Science Advisory Board to advise the Secretaries on the state-of-the-science and impacts.

Sec. 478 Federal Natural Resource Agency Adaptation Plans

- Requires Federal departments and agencies with representation on the Panel to create a natural resources adaptation plan within 1 year of enactment implementing the Strategy (Sec.476) and consistent with the Policy (Sec472) and detailing the agency plans to address the impacts of climate change on natural resources.

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Sec. 479 State Natural Resource Adaptation Plans

- In order to be eligible for state natural resource adaptation funds (Sec.480), within 1 year of the development of the Strategy (Sec.476), states must create a natural resource adaptation plan. The State plans should take into consideration other existing plans (e.g., coastal zone management, ESA recovery plans, etc.) and should be updated every 5 years. Supports funding to states for the first 3 years, prior to the Strategy and approved State Plans.

Sec. 480 Natural Resources Climate Change Adaptation Fund

- Emission allowances shall be made available for state adaptation activities as follows (Sec.782(m)(1)): 0.385% from 2012-2021; 0.77% from 2022-2026, and 1.54% from 2027-2050. Allowances shall then be distributed to States with approved natural resource plans as follows: 84.4% to State wildlife agencies and 15.6% to State coastal agencies. There is a 10% cost sharing provision for States.
- This section establishes a Natural Resources Climate Change Adaptation Fund in the Treasury to carry out this subpart (includes an authorization of appropriations). Total allowances for federal domestic adaptation efforts shall be auctioned and deposited into this fund as follows (Sec.782(m)(2)): 0.615% from 2012-2021; 1.23% from 2022-2026; and 2.46% from 2027-2050. Funds shall then be distributed to federal agencies as follows:
 - 27.6% to DOI for agency adaptation activities
 - 8.1% to DOI for cooperative grant programs
 - 4.9% to DOI for financial assistance to Indian tribes for adaptation efforts
 - 19.5% to the existing Land and Water Conservation Fund
 - 8.1% to the Forest Service for national forest and grassland adaptation activities
 - 11.5% for adaptation activities on coastal, estuarine, and marine habitats
 - 12.2% to EPA for large-scale freshwater and aquatic ecosystems
 - 8.1% to the Corps of Engineers for restoration activities

Sec. 481 National Wildlife Habitat and Corridors Information Program

- Requires the Secretary of Interior in coordination with States and Indian tribes to establish a National Fish and Wildlife Habitat and Corridors Information Program. Funds and supports States and tribes in the development of a Geographic Information System database of fish and wildlife habitats and corridors to enhance and improve state and federal plans and development decisions that affect fish and wildlife, better enable modeling of climate impacts and adaptation efforts, and enhance wildlife action plans.

Sec. 482 Additional Provisions Regarding Indian Tribes

- Provides exemption of Indian cultural items and resources from FOIA if disclosure would cause harm or significant invasion of privacy.