

116TH CONGRESS
1ST SESSION

H. R. 4823

To direct the Administrator of the Federal Emergency Management Agency to revise the policy of the Agency to address the threats of climate change, to include considerations of climate change in the strategic plan of the Agency, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 23, 2019

Ms. CLARKE of New York (for herself, Mr. HUFFMAN, Mr. GRIJALVA, Mrs. DINGELL, Ms. JACKSON LEE, Ms. VELÁZQUEZ, Ms. PRESSLEY, Mr. CASE, Mr. SOTO, Ms. BLUNT ROCHESTER, Ms. HAALAND, Ms. MOORE, Ms. SCHAKOWSKY, Mr. LOWENTHAL, Mrs. KIRKPATRICK, Ms. BARRAGÁN, Ms. NORTON, Mr. KILDEE, Mr. ESPAILLAT, Mr. CLEAVER, Mr. KENNEDY, and Mr. WELCH) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To direct the Administrator of the Federal Emergency Management Agency to revise the policy of the Agency to address the threats of climate change, to include considerations of climate change in the strategic plan of the Agency, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FEMA Climate
5 Change Preparedness Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Under the previous administration, FEMA’s
4 2014–2018 Strategic Plan explicitly mentioned and
5 referenced climate change as a source of changing
6 and increasing national disaster risks, in the near
7 and long term, that—

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

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

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

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

21 (A) the evidence of climate change is un-
22 equivocal;

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

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

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

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

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

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

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

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

4 **SEC. 3. STATEMENTS OF INTENT AND POLICY.**

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

8 (1) in subsection (b)—

9 (A) in paragraph (5) by striking “and” at
10 the end;

11 (B) in paragraph (6) by striking the period
12 at the end and inserting a semicolon; and

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

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

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

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

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

1 “(1) climate change is—

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

5 “(i) homeland security;

6 “(ii) national security; and

7 “(iii) national disaster risk; and

8 “(B) primarily caused by anthropogenic
9 greenhouse gas emissions; and

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

12 “(A) changing, more frequent, and more
13 severe extreme weather events;

14 “(B) rising natural hazard risk;

15 “(C) disruptions to or failure of critical in-
16 frastructure;

17 “(D) sea-level rise;

18 “(E) internal population displacement;

19 “(F) the spread of life-threatening dis-
20 eases;

21 “(G) rising annual disaster costs; and

22 “(H) disproportionately high risks and im-
23 pacts to low-income communities, communities
24 of color, Tribal communities, and other front-
25 line communities.”.

1 **SEC. 4. DEFINITIONS.**

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

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

10 “(14) SEA-LEVEL RISE.—The term ‘sea-level
11 rise’ means the local, regional, and global long-term
12 trends in rising average sea levels that are occurring
13 as a direct result of climate change and additional
14 local factors such as land subsidence.

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

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

24 **SEC. 5. INCLUSION OF CLIMATE CHANGE IN STRATEGIC**
25 **PLAN.**

26 (a) CURRENT STRATEGIC PLAN.—

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

5 (A) ensure the text of such plan explicitly
6 mentions climate change, in accordance with
7 the policy of FEMA in section 101 of the Rob-
8 ert T. Stafford Disaster Relief and Emergency
9 Assistance Act (42 U.S.C. 5121), as amended
10 by section 3; and

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

16 (2) BRIEFING.—Not later than 180 days after
17 the date of enactment of this Act, appropriate per-
18 sonnel of FEMA shall brief the Committee on
19 Homeland Security of the House of Representatives
20 and the Committee on Homeland Security and Gov-
21 ernmental Affairs of the Senate on the process and
22 rationale that resulted in the exclusion of references
23 to climate change from the originally published
24 2018–2022 Strategic Plan, and if requested by the

1 Chair of either such Committee, a written report de-
2 scribing such process and rationale.

3 (b) FUTURE STRATEGIC PLANS.—Any strategic plan
4 subsequent to the 2018–2022 Strategic Plan developed by
5 FEMA shall—

6 (1) explicitly mention climate change, in accord-
7 ance with the policy of FEMA under section 101 of
8 the Robert T. Stafford Disaster Relief and Emer-
9 gency Assistance Act (42 U.S.C. 5121), as amended
10 by section 3; and

11 (2) address the implications of climate change
12 on homeland security and near- and long-term na-
13 tional disaster risk, including emergency prepared-
14 ness, response, recovery, and mitigation, drawing
15 upon findings and recommendations, once available,
16 from the Climate Change Subcommittee described in
17 section 6 and the assessment of climate change risks
18 and preparedness described in section 7.

19 **SEC. 6. NATIONAL ADVISORY COUNCIL CLIMATE CHANGE**
20 **SUBCOMMITTEE.**

21 (a) ESTABLISHMENT.—Not later than 60 days after
22 the date of enactment of this Act, the Secretary of Home-
23 land Security shall establish, as a subcommittee of the Na-
24 tional Advisory Council, the Climate Change Sub-

1 committee (in this Act referred to as the “Sub-
2 committee”).

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—Notwithstanding any other
5 provision of law, the Subcommittee shall consist of—

6 (A) the Administrator of FEMA;

7 (B) the Director of the United States Geo-
8 logical Survey of the Department of the Inte-
9 rior;

10 (C) the Director of the Bureau of Safety
11 and Environmental Enforcement of the Depart-
12 ment of the Interior;

13 (D) the Under Secretary of Commerce for
14 Oceans and Atmosphere;

15 (E) the Commanding Officer of the United
16 States Army Corps of Engineers;

17 (F) the Director of the Office of Homeland
18 Security and Emergency Coordination of the
19 Department of Agriculture;

20 (G) the Executive Director of the Federal
21 Highway Administration of the Department of
22 Transportation;

23 (H) the Executive Director of the Federal
24 Transit Administration of the Department of
25 Transportation;

1 (I) the Under Secretary of Energy of the
2 Department of Energy;

3 (J) the Commissioner of the Federal Hous-
4 ing Administration of the Department of Hous-
5 ing and Urban Development;

6 (K) the Assistant Administrator of the Of-
7 fice of Land and Emergency Management of
8 the Environmental Protection Agency;

9 (L) the Acting Director of the Center for
10 Preparedness and Response of the Department
11 of Health and Human Services;

12 (M) such other qualified individuals as the
13 Administrator shall appoint as soon as prac-
14 ticable from among the following—

15 (i) members of the National Advisory
16 Council that have the requisite technical
17 knowledge and expertise to address climate
18 change threats to homeland security, in-
19 cluding—

20 (I) emergency management and
21 emergency response providers;

22 (II) State, local, and Tribal gov-
23 ernment officials;

1 (III) climate scientists and ex-
2 perts in natural disaster risk assess-
3 ment; and

4 (IV) experts in climate change
5 adaption, mitigation, and resilience;
6 and

7 (ii) individuals who have the requisite
8 technical knowledge and expertise to serve
9 on the Climate Change Subcommittee, in-
10 cluding at least 1 representative from each
11 of—

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

17 (II) a Tribal community that is
18 disproportionately impacted by climate
19 change or environmental pollution;

20 (III) an organized labor group
21 within the resilient infrastructure sec-
22 tor;

23 (IV) a private-sector company
24 that designs, develops, or constructs
25 resilient infrastructure, or an organi-

1 zation that represents such compa-
2 nies;

3 (V) a city or county that is di-
4 rectly impacted by coastal sea-level
5 rise;

6 (VI) a State that is directly im-
7 pacted by coastal sea-level rise;

8 (VII) a city or county that is
9 highly impacted by wildfires or
10 droughts;

11 (VIII) a State that is highly im-
12 pacted by wildfires or droughts;

13 (IX) scientists with expertise in
14 climate science and natural disaster
15 risk assessment who are faculty mem-
16 bers at an accredited university; and

17 (X) experts in homeland security
18 threat assessment and intelligence
19 analysis, especially as it concerns nat-
20 ural disasters; and

21 (N) representatives of such other stake-
22 holders and interested and affected parties as
23 the Administrator determines appropriate.

24 (2) REPRESENTATION.—The Administrator
25 shall ensure, to the extent practicable, that members

1 of the Subcommittee represent a geographic (includ-
2 ing urban, rural, and coastal) and substantive diver-
3 sity of State, local, and Tribal government officials,
4 emergency managers, and emergency response pro-
5 viders, scientific and technical experts, private-sector
6 companies, and nongovernmental organizations.

7 (c) RESPONSIBILITIES.—The Subcommittee shall ad-
8 vise the Administrator on how to best incorporate climate
9 change, including risk assessments and strategies for ad-
10 aptation and mitigation, into and throughout FEMA’s
11 policies, plans, programs, and operations, including
12 through the performance of the following duties:

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

22 (A) existing and future risks and impacts
23 posed by climate change to States, cities, and
24 communities throughout the United States, in-
25 cluding the current and potential impacts of cli-

1 mate change on national emergency manage-
2 ment, annual disaster costs, and natural dis-
3 aster mitigation, preparedness, response, and
4 recovery;

5 (B) the extent to which climate change, in-
6 cluding risk assessments, resilience, adaptation,
7 and mitigation, is currently integrated within
8 FEMA policies, plans, programs, strategies,
9 and operations, as well as the extent to which
10 and areas where such integration is lacking;

11 (C) the extent to which climate change, in-
12 cluding risk assessments, resilience, adaptation,
13 and mitigation, is currently incorporated into
14 technical assistance, outreach, grant, and loan
15 programs, as well as the extent to which and
16 programs where such integration is lacking;

17 (D) partnerships and coordination with
18 Federal, State, and local agencies and authori-
19 ties, as well as volunteer and private entities;

20 (E) data collection, management, and anal-
21 ysis;

22 (F) recommendations regarding how
23 FEMA can better incorporate climate change
24 throughout FEMA policies, plans, programs,

1 strategies, and operations, which shall ad-
2 dress—

3 (i) risk assessments, including ways to
4 more comprehensively predict and incor-
5 porate current and future risks as they re-
6 late to climate change;

7 (ii) strategies to increase climate
8 change adaptation, mitigation, and resil-
9 ience in communities throughout the
10 United States;

11 (iii) ways to ensure that investments
12 and strategies around climate change ad-
13 aptation, mitigation, and resilience benefit
14 all communities, especially frontline com-
15 munities;

16 (iv) critical information, communica-
17 tion, and policy gaps, barriers, and chal-
18 lenges;

19 (v) technical assistance, outreach,
20 grant, and loan programs, including ways
21 that FEMA can use and expand such pro-
22 grams to increase climate change prepared-
23 ness throughout the emergency manage-
24 ment community, and strengthen climate
25 change adaptation, mitigation, and resil-

1 ience across the United States, particularly
2 in frontline communities;

3 (vi) coordination with all relevant
4 partners, including Federal, State, and
5 local agencies and authorities, as well as
6 private entities and volunteers;

7 (vii) monitoring, recording, and ana-
8 lyzing FEMA actions, data management,
9 and budget allocations to help advance cli-
10 mate resilience;

11 (viii) methodologies for integrating
12 and disseminating scientific knowledge of
13 projected climate change impacts and
14 risks, and other relevant data and informa-
15 tion, into policies, guidance, and public
16 communications;

17 (ix) platforms for sharing best prac-
18 tices, information, and lessons learned with
19 the national emergency management com-
20 munity and general public, including public
21 web pages, webinars, and workshops;

22 (x) FEMA's 2018–2022 Strategic
23 Plan, and ways for FEMA to better incor-
24 porate climate change into all future such
25 plans; and

1 (xi) any other matters, as the Admin-
2 istrator determines to be appropriate; and
3 (G) timeframes for implementing any such
4 recommendations that do not require congres-
5 sional action, and the identification of any such
6 recommendations that require congressional ac-
7 tion.

8 (2) ONGOING DUTIES.—Upon request of the
9 Administrator, the Subcommittee shall, on an ongo-
10 ing basis—

11 (A) review any relevant Agency policies,
12 plans, programs, strategies, and operations, and
13 make any necessary recommendations thereof,
14 regarding climate change;

15 (B) support the Administrator in incor-
16 porating and implementing findings and rec-
17 ommendations from the assessment described in
18 paragraph (1) into all relevant Agency policies,
19 plans, programs, strategies, and operations, in-
20 cluding the assessment of climate change risks
21 and preparedness described in section 7; and

22 (C) perform any other relevant duties, as
23 the Administrator determines to be appropriate.

24 (d) PUBLIC MEETINGS.—In carrying out its duties
25 under this section, the Subcommittee shall—

1 (1) consult with stakeholders through not less
2 than 2 public meetings each year, the total of which
3 not less than 3 shall be during the time in which the
4 Subcommittee is conducting the assessment de-
5 scribed in subsection (c)(1); and

6 (2) seek input from all stakeholder interests in-
7 cluding State and local representatives, environ-
8 mental and climate justice organizations, private in-
9 dustry representatives, advocacy groups, planning
10 and resilience organizations, labor representatives,
11 and representatives from frontline communities.

12 (e) COMPENSATION AND EXPENSES.—Any non-feder-
13 ally employed member of the Subcommittee, when attend-
14 ing meetings of the Subcommittee or when otherwise en-
15 gaged in the business of the Subcommittee, shall receive—

16 (1) compensation at a rate fixed by the Sec-
17 retary of Homeland Security, not exceeding the daily
18 equivalent of the current rate of basic pay in effect
19 for GS–15 of the General Schedule under section
20 5332 of title 5, United States Code, including travel
21 time; and

22 (2) travel or transportation expenses under sec-
23 tion 5703 of title 5, United States Code.

24 (f) CHAIR.—The Administrator shall serve as the
25 Chair of the Subcommittee.

1 (g) STAFF.—

2 (1) FEMA.—Upon request of the Sub-
3 committee, the Administrator may detail, on a non-
4 reimbursable basis, personnel of FEMA to assist the
5 Subcommittee in carrying out its duties.

6 (2) OTHER FEDERAL AGENCIES.—Upon request
7 of the Subcommittee, any other Federal agency that
8 is a member of the Subcommittee may detail, on a
9 nonreimbursable basis, personnel to assist the Sub-
10 committee in carrying out its duties.

11 (h) POWERS.—In carrying out this section, the Sub-
12 committee may hold hearings, receive evidence and assist-
13 ance, provide information, conduct research, and author
14 reports, as the Subcommittee considers appropriate.

15 (i) TERMINATION.—The Subcommittee shall termi-
16 nate not later than 3 years after the submission of the
17 report required under subsection (c)(1).

18 (j) UPDATES AND IMPLEMENTATION.—

19 (1) IN GENERAL.—Beginning not later than 90
20 days after the submission of the assessment under
21 subsection (c)(1), the Administrator shall—

22 (A) coordinate the implementation of the
23 recommendations, and actions to address the
24 findings, as described in such assessment,
25 where appropriate; and

1 (B) provide updates annually thereafter,
2 until the date that is 1 year after the date on
3 which the Subcommittee terminates, to the
4 Committee on Homeland Security of the House
5 of Representatives and the Committee on
6 Homeland Security and Governmental Affairs
7 of the Senate containing—

8 (i) the implementation status of the
9 findings and recommendations of the as-
10 sessment; and

11 (ii) any other findings and rec-
12 ommendations that the Subcommittee may
13 provide in the course of its duties.

14 (2) FINDINGS.—Not later than 2 years after
15 the date of enactment of this Act, and annually
16 thereafter until the termination of the Sub-
17 committee, the Administrator shall submit to the
18 Committee on Homeland Security of the House of
19 Representatives, submit to the Committee on Home-
20 land Security and Governmental Affairs of the Sen-
21 ate, and make available to the public a report on the
22 actions taken by the Administrator to incorporate
23 and implement the findings and recommendations
24 from the assessment described in subsection (c)(1),
25 and any other findings and recommendations that

1 the Subcommittee may provide, into all relevant
2 Agency policies, plans, programs, strategies, and op-
3 erations.

4 **SEC. 7. ASSESSMENT OF CLIMATE CHANGE RISKS AND PRE-**
5 **PAREDNESS.**

6 (a) IN GENERAL.—Not later than 4 years after the
7 date of enactment of this Act, and every 4 years there-
8 after, the Administrator shall publish as a report, submit
9 to the Committee on Homeland Security of the House of
10 Representatives and the Committee on Homeland Security
11 and Governmental Affairs of the Senate, and make avail-
12 able to Congress and the public, a comprehensive assess-
13 ment of climate change risks and preparedness, which
14 shall—

15 (1) incorporate and expand upon the findings
16 and recommendations made by the Subcommittee;

17 (2) identify, predict, and assess existing and fu-
18 ture natural disaster risks and impacts posed by cli-
19 mate change to States, cities, and communities
20 throughout the United States, including the current
21 and potential impact to annual disaster, mitigation,
22 and insurance costs, as well as to natural disaster
23 mitigation, adaptation, preparedness, response, and
24 recovery capabilities and efforts.

1 (3) identify, predict, and assess risks and im-
2 pacts to frontline communities, particularly low-in-
3 come communities, communities of color, and Tribal
4 communities;

5 (4) assess the current state of preparedness
6 throughout the emergency management community,
7 and across all levels of government, in relation to the
8 expected natural disaster risks and impacts posed by
9 climate change;

10 (5) identify steps taken by FEMA to integrate
11 climate change into all relevant Agency policies,
12 plans, programs, strategies, and operations;

13 (6) identify measures taken by FEMA to in-
14 crease climate change resilience, adaptation, and
15 mitigation throughout the United States, and to in-
16 crease overall preparedness of the entire emergency
17 management community;

18 (7) provide recommendations and best practices
19 for how FEMA, all relevant partners, and the na-
20 tional emergency management community can better
21 prepare for, mitigate, and adapt to the present and
22 future national disaster risks and impacts posed by
23 climate change, including specific recommendations
24 and best practices for increasing climate change re-

1 silience, adaptation, and mitigation in frontline com-
2 munities;

3 (8) describe climate change mitigation, adapta-
4 tion, and resilience methods adopted in no fewer
5 than 5 communities across the United States, in-
6 cluding at least—

7 (A) 1 urban community;

8 (B) 1 rural community;

9 (C) 1 coastal community; and

10 (D) 1 frontline community; and

11 (9) incorporate any other components and sec-
12 tions as the Administrator determines appropriate.

13 (b) METHODOLOGY.—Not later than 3 years after
14 the date of enactment of this Act, the Secretary shall re-
15 port to the Committee on Homeland Security of the House
16 of Representatives and the Committee on Homeland Secu-
17 rity and Governmental Affairs of the Senate on the meth-
18 odology that will be used to conduct the analysis and
19 produce the assessment required under subsection (a).

20 **SEC. 8. DEFINITIONS.**

21 In this Act, the following definitions apply:

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

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

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

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

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

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

○