

WAXMAN – MARKEY DISCUSSION DRAFT: The American Clean Energy and Security Act of 2009

ADAPTATION PROVISIONS

Subtitle E—Adapting to Climate Change

Part I—Domestic Adaptation (p. 577)

Subpart A – National Climate Change Adaptation Program

Sec. 462. National Climate Change Adaptation Council

- Establishes a National Council to be chaired by NOAA and to include heads of relevant federal agencies to serve as a forum for interagency consultation on impacts and adaptation
- Agencies included: NOAA, EPA, USDA, Commerce, DOD, DOE, HHS, DHS, HUD, DOI, DOT, ACOE, CDC, FEMA, NASA, USGS, and others as appropriate

Sec. 463. National Climate Change Adaptation Program

- Establishes program within NOAA for the purpose of increasing the effectiveness of Federal climate change adaptation efforts
- Required activities include:
 - Developing and publishing periodic National Assessments (Sec. 464)
 - Providing stakeholders with scientific information, research products, decision tools, and technical support related to impacts and adaptation (Sec. 465)
 - Advising Federal agencies on climate change impacts and adaptation, such as on the development of agency climate change adaptation plans (Sec. 466)

Sec. 464. National Climate Change Vulnerability Assessments

- Requires NOAA to publish a National Climate Change Vulnerability Assessment every four years, to include the following:
 - Regional Assessments—For a sufficient number of geographic regions:
 - assess the nature and probability of impacts of climate change on human health, natural systems, resources, infrastructure, and social and economic sectors
 - provide regionally prioritized list of vulnerable systems and areas and anticipated costs of climate impacts
 - describe current efforts to adapt to climate change impacts
 - identify gaps in current adaptation efforts, strategies to address the gaps, and costs to implement those strategies
 - describe current research, observation, and monitoring activities focused on understanding impacts and adaptation
 - assess the adequacy of existing mechanisms for communication and coordination within the region between Federal agencies and stakeholders
 - National Synthesis—Each National Assessment will include a synthesis of the regional assessments, including:
 - description of relevant national- or global-scale impacts, vulnerabilities, and adaptive strategies not covered in the regional assessments
 - nationally prioritized list of vulnerable systems and regions based on regional assessments, and an estimate of the cost of climate change impacts

Waxman-Markey Discussion Draft - Adaptation Provisions (cont.)

- nationally prioritized list of strategies and actions, and associated costs, to address climate change, and appropriate roles of relevant Federal agencies
- priorities for developing Federal research, monitoring, and policy tools to address the needs of stakeholders identified in the regional assessments
- assessment of adequacy of, and measures to enhance, existing communication mechanisms between Federal agencies and stakeholders
- description of progress made in achieving objectives from prior assessment
- NOAA to consult with the Council and stakeholders in developing the National Assessments, as well as use the best available scientific and commercial data and relevant IPCC, GCRP, CCSP, and other reports

Sec. 465. Climate change adaptation services

- Establishes a National Climate Service within NOAA to serve as a clearinghouse to provide State, local, and tribal government decision makers with access to data, forecasts, and services related to impacts and adaptation. For stakeholders NOAA will:
 - Develop policy-relevant databases, decision tools, and services
 - Provide technical assistance to assess, and strategies to address, climate vulnerability
 - Facilitate communication and coordination among stakeholders
 - Undertake education and outreach initiatives related to impacts and adaptation
- During each year of the National Assessments, NOAA shall convene a stakeholder workshop in each region and, following those workshops, a national-level workshop
- Authorizes NOAA to deploy observation and monitoring systems necessary for program

Sec. 466. Federal agency climate change adaptation plans

- Within 1 year of the National Assessment, each Federal agency on the Council shall complete and submit to the President and Congress an agency adaptation plan to include:
 - Review of current impacts on matters within the agency's jurisdiction
 - Review of anticipated future impacts
 - Description of priorities for building adaptive capacity
 - Review of agency's current efforts to address impacts, including a description of how these impacts are being integrated into decision making, and budgetary and human resources devoted to climate change adaptation
 - Description of initiatives that will be undertaken to address climate change impacts
 - Description of current and proposed mechanisms to enhance cooperation
 - Assessment of the agency's success in meeting the objectives outlined in the most recent agency plan
 - Assessment of budgetary and human resources needed to address impacts

Sec. 467. Federal funding for State, local, and tribal adaptation projects

- Establishes within the Treasury, a national Climate Change Adaptation Fund and directs the President to establish an integrated program to use this Fund to provide financial assistance to State, local, and tribal governments to reduce vulnerability to climate change impacts.

Subpart B—Public Health and Climate Change

Sec. 471. National policy on health and climate change

- Sets out that it is the policy of the Federal Government, in cooperation with State, tribal, and local governments and other organizations to assist the efforts of public health professionals to incorporate measures to adapt health systems to address the impacts of climate change and to encourage further research and collaboration in this area, and to encourage each American to learn about the impact of climate change on health.

Sec. 472. National Strategy

- Directs the Secretary of HHS to promulgate a national strategy for mitigating the impacts of climate change on public health in the United States, in consultation with the CDC, EPA, NIH, NOAA, NASA, FEMA, USDA, state and local governments, and other stakeholders.

Sec. 473. Authorization of appropriations

- Authorizes sums as necessary to develop and implement the National Health Strategy.

Subpart C—Natural Resource Adaptation

Sec. 481. Purposes

- Establishes an integrated Federal program to assist (including financial support), natural resources to become more resilient and adapt to impacts of climate change.

Sec. 482. Natural resources climate change adaptation policy

- Sets forth that it is the policy of the Federal Government to use all practical means and measures to assist natural resources to become more resilient to climate change.

Sec. 483. Definitions

- Defines coastal states, ecological processes, natural resources, and tribal organizations.

Sec. 484. Council on Environmental Quality

- The Chair of CEQ will serve as an advisor to the President on development and implementation of a Natural Resources Climate Change Adaptation Strategy (Sec. 486) and federal natural resource agency adaptation plans, as well as serve as Chair of the Natural Resources Climate Change Adaptation Panel (Sec. 485) and coordinate Federal agency strategies, plans, and programs to deal with the impacts of climate change.

Sec. 485. Natural Resources Climate Change Adaptation Panel

- Directs the President to establish a Natural Resources Climate Change Adaptation Panel chaired by CEQ and consisting of NOAA, DOI, EPA, USDA, ACOE, and other agencies to serve as a forum for interagency consultation and development of a National Strategy (Sec. 486).

Sec. 486. Natural Resources Climate Change Adaptation Strategy

- The Panel shall develop a strategy for assisting natural resources in becoming more resilient and adapting to climate change and in doing this shall:
 - base the Strategy on best available science

Waxman-Markey Discussion Draft - Adaptation Provisions (cont.)

- develop the Strategy in cooperation with States, territories, and Indian tribes
- coordinate with Federal agencies
- consult with local governments, conservation organizations, and other stakeholders
- provide public notice and opportunity for comment
- review and revise the Strategy every 5 years
- The Strategy shall include:
 - an assessment of climate change impacts;
 - description of current research and monitoring activities and needs
 - identification of natural resources most likely to be adversely affected
 - specific protocols for integrating climate change strategies into the conservation and management of natural resources by Federal agencies
 - specific actions Federal agencies should take to assist natural resources in adapting
 - specific mechanisms to ensure coordination among Federal agencies and State natural resource agencies
 - a process for guiding the development of detailed agency and department specific adaptation plans
- Consistent with their authorities under other laws, each Federal agency shall integrate the Strategy into agency plans and activities related to management of natural resources

Sec. 487. Natural Resources Climate Change Science and Information Program

- NOAA and USGS to establish program implemented through the National Global Warming and Wildlife Science Center within USGS and counterpart programs at NOAA, to include the following activities:
 - provide technical assistance, conduct and sponsor research and provide decision and monitoring tools and information to assist natural resources be more resilient and adapt to climate change
 - conduct a survey to identify natural resources likely to be adversely affected by climate change, needs and priorities of greatest relevance, and necessary decision tools
 - establish a Science Advisory Board to assist the program on the state-of-the-science regarding impacts of climate change

Sec. 488. Federal Natural Resource Agency Adaptation Plans

- Each Federal agency on the Panel will develop an agency adaptation plan consistent with the Strategy (Sec. 485) and the Policy (Sec. 482) detailing the agency's current and projected efforts to address the impacts of climate change on natural resources within the agency's jurisdiction. Each agency plan will include, an assessment of current and future impacts, efforts and strategies to address these (ecosystem restoration, habitat corridors, etc.), measures to integrate adaptation strategies into existing plans and programs, mechanisms to enhance cooperation and coordination with other stakeholders, and specific written guidance to resource managers. Plans should be reviewed by the President and revised every 5 years.

Sec. 489. State Natural Resources Adaptation Plan

- To be eligible for funds under Sec. 490, each state shall prepare a State Plan detailing the state's current and projected efforts to address the impacts of climate change on natural resources and coastal areas within the state's jurisdiction. Each plan shall be reviewed by the Secretary of DOI to be consistent with the Strategy (Sec. 486) and the Federal agency plans (Sec. 488). [Note: additional detail on the content of state plans is provided]

Waxman-Markey Discussion Draft - Adaptation Provisions (cont.)

Sec. 490. Natural Resources Climate Change Adaptation Fund

- Establishes within the Treasury, a Natural Resources Climate Change Adaptation Fund, of which 40 percent will be made available to States to carry out adaptation activities in accordance with State Plans (Sec.489), 23% to DOI, 12% to the Land and Water Conservation Fund (16 U.S.C. 4601-5), 5% to the Forest Service for national forests and grasslands, 5% to EPA for freshwater and marine ecosystems, 7.5% to ACOE for restoration activities, 7.5% to Commerce for coastal, estuarine, and marine resources.

Part 2—International Climate Change Adaptation Program (p. 632)

Sec.491. Findings and Purposes

- Congress finds that:
 - climate change is a significant threat multiplier for instability around the world
 - the consequences are likely to have a disproportionate effect on developing countries
 - those most vulnerable have contributed the least to global emissions
 - developing countries rely more heavily on the natural resource systems likely to be impacted by climate change
 - the consequences of climate change are likely to pose a long-term threat to the national security, foreign policy, and economic interests of the United States
 - it is in the interest of the United States to assist developing countries in increasing their resilience to climate change
 - under the UNFCCC and the Bali Action Plan, the United States committed to providing financial resources to assist developing countries in adapting to climate change
 - these funds should be predictable, sustainable, and additional to overseas development assistance
- Purpose of this part is to provide assistance from the United States to the most vulnerable developing countries to adapt to climate change in a manner that promotes and protects the interests of the United States

Sec.492. Definitions

- Defines appropriate congressional committees, most vulnerable developing countries, program, and USAID.

Sec.493. Establishment

- Establishes an International Climate Change Adaptation Program within USAID, working with EPA and State.

Sec.494. Functions of Program

- The Program may carry out activities, projects, and make grants to entities that provide assistance to vulnerable countries to develop adaptation plans, support investments and research, encourage protection and rehabilitation of natural systems, support the deployment of technologies, and encourage engagement of local communities. Not more than 10% of the available funds can be spent in one country in any year and priority will be given to those countries that are most vulnerable.

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Sec.495. Funding

- The Administrator of USAID shall oversee the distribution of funds. At least 40% and up to 60% of the funds available to the Program shall be distributed to international funds created under the UNFCCC or an agreement negotiated under the Convention and that meets specified criteria.

Sec.496. Monitoring and Evaluation of Program

- The Administrator of USAID shall establish and implement a system to monitor and evaluate the effectiveness and efficiency of assistance provided under this sub part.