

SAFEGUARDING AMERICA'S FUTURE AND ENVIRONMENT
ACT

NOVEMBER 16, 2022.—Committed to the Committee of the Whole House on the
State of the Union and ordered to be printed

Mr. GRIJALVA, from the Committee on Natural Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 2872]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 2872) to establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize Government efficiency and reduce costs, in cooperation with State, local, and Tribal Governments and other entities, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of H.R. 2872 is to establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize government efficiency and reduce costs, in cooperation with state, local, and tribal governments and other entities.

BACKGROUND AND NEED FOR LEGISLATION

In the face of climate change, wildlife and plants face increasing threats, causing shifts in population distributions and phenology

shifts in natural life history cycles, such as blooming, breeding, seasonal migrations, habitat loss, fragmentation, and degradation.¹ The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) Global Assessment estimates that the current global species extinction rate is tens to hundreds of times higher than it has averaged over the past ten million years.² Strengthening the resiliency of fish, wildlife, and plant populations to climate change is critical to ensure that present and future generations can benefit from the numerous services they provide.

H.R. 2872 would create the National Fish, Wildlife, and Plants Climate Adaptation Strategy Joint Implementation Working Group (hereinafter referred to as the “Working Group”) to develop and implement an Adaptation Strategy. The Working Group will include heads of federal and state agencies or departments with jurisdiction over fish, wildlife, plant resources, and tribal representatives. In addition, the bill would direct the Working Group to adopt a National Fish, Wildlife, and Plants Climate Adaptation Strategy and revise it no later than one year after each release of the National Climate Assessment³ mandated by the Global Change Research Act of 1990.⁴

The bill requires that the National Strategy:

- Assess the vulnerability of fish, wildlife, and plants to climate change, including short-term, medium-term, long-term, and cumulative impacts, as well as activities that agencies, states, and tribal governments are implementing to protect identified species at risk.
- Identify fish, wildlife, and plant adaptation most at risk and outline protocols for integrating adaptation strategies into federal conservation and management of natural resources.
- Identify federal policies that may reduce the resilience of fish, wildlife, and plants to climate change and identify opportunities to maintain, restore, or enhance resiliency.
- Identify specific actions federal agencies can take to protect, conserve, and manage fish, wildlife, and plants from the impacts of climate change.

The bill would establish a National Climate Change and Wildlife Science Center to develop scientific information addressing the effects of extreme weather and climate change on fish, wildlife, and plants. Additionally, the bill directs the Secretary of the Interior to establish an Advisory Committee on Climate Change and Natural Resource Sciences comprised of 25 members from federal agencies, state, local, and tribal governments, NGOs, the private sector, and

¹See, e.g., Douglas Lipton, Madeleine A. Rubenstein, Sarah R. Weiskopf et al., *Ecosystems, Ecosystem Services, and Biodiversity*, in U.S. GLOB. CHANGE RSCH. PROGRAM, IMPACTS, RISKS, AND ADAPTATION IN THE UNITED STATES: FOURTH NATIONAL CLIMATE ASSESSMENT, VOL. II ch. 7 (2018), available at <https://nca2018.globalchange.gov/chapter/7/> (doi:10.7930/NCA4.2018.CH7); Brett R. Scheffers et al., *The Broad Footprint of Climate Change from Genes to Biomes to People*, 354(6313) SCIENCE (2016), available at <https://doi.org/10.1126/science.aaf7671>.

²IPBES, SUMMARY FOR POLICYMAKERS OF THE GLOBAL ASSESSMENT REPORT ON BIODIVERSITY AND ECOSYSTEM SERVICES OF THE INTERGOVERNMENTAL SCIENCE-POLICY PLATFORM ON BIODIVERSITY AND ECOSYSTEM SERVICES 12, 24–25 (Sandra Diaz et al. eds., 2019), available at <https://doi.org/10.5281/zenodo.3553579>.

³U.S. GLOB. CHANGE RSCH. PROGRAM, IMPACTS, RISKS, AND ADAPTATION IN THE UNITED STATES: FOURTH NATIONAL CLIMATE ASSESSMENT (2018), available at <https://www.globalchange.gov/nca4>.

⁴Pub. L. No. 101–606, § 06, 104 Stat. 3096, 3101, <http://uscode.house.gov/viewviewer.htm?volume=104&page=3101> (codified as 15 U.S.C. § 2936).

academic institutions. The advisory committee would advise the Working Group.

The bill would require the Working Group to complete a strategy implementation plan one year after enactment of the bill and on the anniversary of each revision of the National Strategy. Each federal agency would implement the strategy implementation plan through existing plans, policies, programs, activities, and actions.

Finally, the SAFE Act would require that each state develop and submit a fish, wildlife, and plant adaptation plan to the Secretary of the Interior and the Secretary of Commerce detailing current and future efforts to address the ongoing effects of climate change. State adaptation plans shall meet the exact requirements as the National Strategy implementation plan, including any previous state wildlife action plans, and be updated every four years. States with adaptation plans may be eligible for grant funding through existing grant programs.

COMMITTEE ACTION

H.R. 2872 was introduced on April 28, 2021, by Representative Matt Cartwright (D-PA). The bill was referred solely to the Committee on Natural Resources, and within the Committee to the Subcommittee on Water, Oceans, and Wildlife; the Subcommittee on National Parks, Forests, and Public Lands; the Subcommittee for Indigenous Peoples of the United States; and the Subcommittee on Energy and Mineral Resources. On July 29, 2021, the Subcommittee on Water, Oceans, and Wildlife held a hearing on the bill. On January 19, 2022, the Natural Resources Committee met to consider the bill. The Subcommittees were discharged by unanimous consent. Rep. Blake Moore (R-UT) offered an amendment designated Moore #1. The amendment was not agreed to by a roll call vote of 17 yeas and 24 nays, as follows:

Date: January 19, 2022

**COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL**

Bill / Motion: H.R. 2872

Amendment: Rep. Moore #1 amendment

Disposition: Not agreed to by a roll call vote of 17 yeas and 24 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA		X	
2	Mr. Case, HI		X	
3	Mr. Cohen, TN		X	
4	Mr. Costa, CA			
5	Ms. DeGette, CO		X	
6	Mrs. Dingell, MI		X	
7	Mr. Gallego, AZ		X	
8	Mr. Garcia, IL		X	
9	Mr. Grijalva, AZ (Chair)		X	
10	Mr. Huffman, CA		X	
11	Ms. Leger Fernández, NM		X	
12	Mr. Levin, CA		X	
13	Mr. Lowenthal, CA		X	
14	Ms. McCollum, MN		X	
15	Mr. McEachin, VA		X	
16	Mrs. Napolitano, CA		X	
17	Mr. Neguse, CO		X	
18	Ms. Porter, CA		X	
19	Mr. Sablan, MP		X	
20	Mr. San Nicolas, GU		X	
21	Mr. Soto, FL		X	
22	Ms. Stansbury, NM		X	
23	Ms. Tlaib, MI		X	
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA		X	
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR	X		
2	Mrs. Boebert, CO			
3	Mr. Carl, AL	X		
4	Mr. Fulcher, ID	X		
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR			
7	Mr. Graves, LA	X		
8	Ms. Herrell, NM	X		
9	Mr. Hice, GA	X		
10	Mr. Lamborn, CO	X		
11	Mr. McClintock, CA			
12	Mr. Moore, UT	X		
13	Mr. Obernolte, CA	X		
14	Mrs. Radewagen, AS	X		
15	Mr. Rosendale, MT	X		
16	Mr. Stauber, MN	X		
17	Mr. Tiffany, WI	X		
18	Mr. Webster, FL	X		
19	Mr. Westerman, AR (RM)	X		
20	Mr. Wittman, VA	X		
21	Mr. Young, AK	X		
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	17	25	
	TOTALS	YEAS	NAYS	PRESENT

Rep. Garret Graves (R-LA) offered an amendment designated Graves #2. The amendment was not agreed to by voice vote. Rep. Graves offered an amendment designated Graves #3. The amendment was not agreed to by voice vote. No further amendments were offered, and the bill was adopted and ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 18 nays, as follows:

Date: January 19, 2022

COMMITTEE ON NATURAL RESOURCES
117TH CONGRESS — ROLL CALL

Bill / Motion: H.R. 2872

Amendment:

Disposition: Final Passage: H.R. 2872 was ordered favorably reported to the House of Representatives by a roll call vote of 23 yeas and 18 nays.

	DEM. MEMBERS (26)	YEAS	NAYS	PRESENT
1	Ms. Brownley, CA	X		
2	Mr. Case, HI	X		
3	Mr. Cohen, TN	X		
4	Mr. Costa, CA			
5	Ms. DeGette, CO	X		
6	Mrs. Dingell, MI	X		
7	Mr. Gallego, AZ	X		
8	Mr. Garcia, IL	X		
9	Mr. Grijalva, AZ (Chair)	X		
10	Mr. Huffman, CA	X		
11	Ms. Leger Fernández, NM	X		
12	Mr. Levin, CA	X		
13	Mr. Lowenthal, CA	X		
14	Ms. McCollum, MN	X		
15	Mr. McEachin, VA	X		
16	Mrs. Napolitano, CA	X		
17	Mr. Neguse, CO	X		
18	Ms. Porter, CA	X		
19	Mr. Sablan, MP	X		
20	Mr. San Nicolas, GU	X		
21	Mr. Soto, FL	X		
22	Ms. Stansbury, NM	X		
23	Ms. Tlaib, MI	X		
24	Mr. Tonko, NY		X	
25	Ms. Trahan, MA	X		
26	Ms. Velázquez, NY			
	REP. MEMBERS (22)			
1	Mr. Bentz, OR		X	
2	Mrs. Boebert, CO			
3	Mr. Carl, AL		X	
4	Mr. Fulcher, ID		X	
5	Mr. Gohmert, TX			
6	Miss González-Colón, PR			
7	Mr. Graves, LA		X	
8	Ms. Herrell, NM		X	
9	Mr. Hice, GA		X	
10	Mr. Lamborn, CO		X	
11	Mr. McClintock, CA			
12	Mr. Moore, UT		X	
13	Mr. Oberholte, CA		X	
14	Mrs. Radewagen, AS		X	
15	Mr. Rosendale, MT		X	
16	Mr. Stauber, MN		X	
17	Mr. Tiffany, WI		X	
18	Mr. Webster, FL		X	
19	Mr. Westerman, AR (RM)		X	
20	Mr. Wittman, VA		X	
21	Mr. Young, AK		X	
22	vacancy			
	Total: 48 / Quorum: 16 / Report: 25	23	18	
	TOTALS	YEAS	NAYS	PRESENT

HEARINGS

For the purposes of clause 3(c)(6) of House rule XIII, the following hearing was used to develop or consider this measure: hearing by the Subcommittee on Water, Oceans, and Wildlife held on July 29, 2021.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

COMPLIANCE WITH HOUSE RULE XIII AND CONGRESSIONAL BUDGET ACT

1. *Cost of Legislation and the Congressional Budget Act.* With respect to the requirements of clause 3(c)(2) and (3) of rule XIII of the Rules of the House of Representatives and sections 308(a) and 402 of the Congressional Budget Act of 1974, as well as clause 3(d) of rule XIII of the Rules of the House of Representatives, the Committee has received the following estimate for the bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 20, 2022.

Hon. RAÚL M. GRIJALVA,
*Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 2872, the SAFE Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Madeleine Fox.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

H.R. 2872, SAFE Act			
As ordered reported by the House Committee on Natural Resources on January 19, 2022			
By Fiscal Year, Millions of Dollars	2023	2023-2027	2023-2032
Direct Spending (Outlays)	0	0	0
Revenues	0	0	0
Increase or Decrease (-) in the Deficit	0	0	0
Spending Subject to Appropriation (Outlays)	1	5	not estimated
Statutory pay-as-you-go procedures apply?	No	Mandate Effects	
Increases on-budget deficits in any of the four consecutive 10-year periods beginning in 2033?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No

H.R. 2872 would establish a working group with members from federal agencies, states, and tribes to create and implement a national strategy concerning climate change and report to the Congress on its activities. The bill also would create a new center and advisory committee to support the working group's mission by developing scientific information, tools, and strategies. Additionally, the bill would require states that receive grants to update their conservation plans every four years for review by the Departments of Commerce and the Interior.

Using information about similar entities and activities, CBO estimates that creating the working group and national strategy would cost less than \$500,000 annually, totaling \$1 million over the 2023–2027 period. The required reports, the advisory committee, and administrative activities would cost about \$500,000 annually, totaling about \$4 million over the 2023–2027 period. CBO estimates that implementing the bill's other provisions would have no significant cost. In particular, the mission of the proposed new center is similar to the mission of the existing Climate Adaptation Center; thus, CBO expects that there would be no significant cost to implementing that provision.

In total, CBO estimates that implementing the bill would cost about \$1 million annually and \$5 million over the 2023–2027 period; any spending would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is Madeleine Fox. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

2. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goals and objectives of this bill are to establish an integrated national approach to respond to ongoing and expected effects of extreme weather and climate change by protecting, managing, and conserving the fish, wildlife, and plants of the United States, and to maximize government efficiency and reduce costs, in cooperation with state, local, and tribal governments and other entities.

EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

UNFUNDED MANDATES REFORM ACT STATEMENT

According to CBO, this bill contains no unfunded mandates as defined by the Unfunded Mandates Reform Act.

FEDERAL ADVISORY COMMITTEE ACT STATEMENT

Section 4(a) of the bill would require the President to establish a National Fish, Wildlife, and Plants Climate Adaptation Strategy Joint Implementation Working Group to carry out duties associated with the National Fish, Wildlife, and Plants Climate Adaptation Strategy. Section 6(b) would require the Secretary of the Interior to establish an Advisory Committee on Climate Change and Natural Resource Sciences to advise the Working Group. In reporting

the bill favorably to the House of Representatives, the Committee on Natural Resources finds that the functions of these two bodies would be better performed by the proposed entities than by any other one or more agencies or any existing advisory committees.

EXISTING PROGRAMS

This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

PREEMPTION OF STATE, LOCAL, OR TRIBAL LAW

Any preemptive effect of this bill over state, local, or tribal law is intended to be consistent with the bill's purposes and text and the Supremacy Clause of Article VI of the U.S. Constitution.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes to existing law.

DISSENTING VIEWS

H.R. 2872 would revive a President Barack Obama-era “National Fish Wildlife and Plants Climate Adaptation Strategy” (National Strategy), which outlined goals aimed at addressing climate change. The bill goes beyond even the Obama administration’s policy goals by establishing a sixteen federal agency Working Group tasked with updating and implementing a new national climate adaptation strategy. In addition, the Working Group must incorporate requirements that “identify fish, wildlife, and plants likely to have the greatest need for protection, restoration, and conservation due to the ongoing and expanding effects of extreme weather and climate change” and “identify Federal policies and actions that may reduce resilience and increase the vulnerability of fish, wildlife, and plants to extreme weather and climate change.” Under both the Trump and Biden Administrations, the U.S. Fish and Wildlife Service testified that H.R. 2872 is duplicative and unnecessary given ongoing efforts between the agency, the Association of Fish and Wildlife Agencies, and other partners.

H.R. 2872 would impose new requirements on states as well by requiring them to submit to the Secretaries of Commerce and the Interior so-called “Fish, Wildlife and Climate Adaptation Plans” which must include adaptation provisions of any comprehensive wildlife conservation strategy that has been submitted, approved, or is pending approval in order to be eligible for funding under certain programs. Even the Biden Administration’s U.S. Fish and Wildlife Service expressed concerns with those requirements. Congressman Blake Moore (R-UT) offered an amendment that would have removed that provision, but unfortunately the Majority rejected the amendment.

Overall, this bill would increase bureaucracy and is duplicative of many on going conservation efforts related to adaptation strategies for fish, wildlife, and plants. For these reasons, I oppose H.R. 2872 as reported by the Committee on Natural Resources.

BRUCE WESTERMAN.

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