

Calendar No. 615

117TH CONGRESS }
2d Session }

SENATE

{ REPORT
117-237 }

NATIONAL CLIMATE ADAPTATION AND
RESILIENCE STRATEGY ACT

R E P O R T

OF THE

COMMITTEE ON HOMELAND SECURITY AND
GOVERNMENTAL AFFAIRS
UNITED STATES SENATE

TO ACCOMPANY

S. 3531

TO REQUIRE THE FEDERAL GOVERNMENT TO PRODUCE
A NATIONAL CLIMATE ADAPTATION AND RESILIENCE
STRATEGY, AND FOR OTHER PURPOSES



DECEMBER 12, 2022.—Ordered to be printed

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NATIONAL CLIMATE ADAPTATION AND RESILIENCE
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DECEMBER 12, 2022.—Ordered to be printed

Mr. PETERS, from the Committee on Homeland Security and
Governmental Affairs, submitted the following

R E P O R T

[To accompany S. 3531]

[Including cost estimate of the Congressional Budget Office]

The Committee on Homeland Security and Governmental Affairs, to which was referred the bill (S. 3531) to require the Federal Government to produce a national climate adaption and resilience strategy, and for other purposes, having considered the same, reports favorably thereon with an amendment, in the nature of a substitute, and recomends that the bill, as amended, do pass.

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I. PURPOSE AND SUMMARY

S. 3531, the *National Climate Adaptation and Resilience Strategy Act of 2022*, provides an obligation for the Federal Government to implement a unified strategy that coordinates efforts across all agencies in adapting to climate change. To ensure the obligation is fulfilled, the bill creates a Chief Resilience Officer of the United States position, establishes interagency resilience Working Groups, and requires a National Climate Adaptation and Resilience Strategy that will improve preparations nationwide for climate change,

includes recommendations to compensate for the inequities in policy and resource allocations, and decrease the harm of climate change to human health and wellbeing in America.

II. BACKGROUND AND THE NEED FOR LEGISLATION

Frontline communities face an increasing range of climate induced risks that pose a threat to property, local infrastructure, and human wellbeing. As the consequences of climate change continue to manifest, whether through record-breaking natural disasters, or less observable but equally devastating slow-onset climate hazards, enhancing resilience has become increasingly essential.

In many cases, Congress has provided federal agencies with dedicated resources and authorities to support for local climate adaptation efforts, but agencies often operate independently of one another. The fragmented nature of federal resilience operations is inefficient and unnecessarily burdens non-federal partners attempting to access resources and receive other support. Improved federal coordination could ensure investments maximize the resilience benefits for vulnerable communities and infrastructure, as well as improve the effectiveness and efficiency of service delivery for eligible communities and populations.

The National Climate Adaptation and Resilience Strategy Act of 2022 (the NCARS Act) would require the federal government to produce a national climate adaptation and resilience strategy representing a unified federal plan to increase the resilience of America's frontline communities. It would instruct the federal government to create an implementation plan to ensure the strategy is effectively translated into improved and streamlined federal adaptation operations. The NCARS Act would also authorize a chief resilience officer position in the White House, following successful models adopted by nearly a dozen states, including Florida¹, Louisiana², and South Carolina³.

III. LEGISLATIVE HISTORY

Senator Chris Coons (D–DE) introduced S. 3531, the National Climate Adaptation and Resilience Strategy Act of 2022, with Senator Lisa Murkowski (R–AK), on January 20, 2022. The bill was referred to the Committee on Homeland Security and Governmental Affairs. Senator Susan Collins (R–ME), Senator Jacky Rosen (D–NV), and Senator Bill Cassidy (R–LA) joined as original cosponsors. The bill was later cosponsored by Senator Lindsey Graham (R–SC), Senator Michael Bennet (D–CO), Senator Jeanne Shaheen (D–NH), Senator Tim Kaine (D–VA), and Senator Alex Padilla (D–CA).

The Committee considered S. 3531 at a business meeting on September 28, 2022. During the business meeting, an amendment in the nature of a substitute was offered by Chairman Peters clarifying intent and incorporating technical assistance from the Office of Management and Budget and Council on Environmental Quality.

¹Associated Press, *DeSantis appoints new Florida chief resilience officer* (Nov. 20, 2021), <https://apnews.com/article/climate-donald-trump-florida-environment-ron-desantis-e40102bdc145f0b739897a91bf5da63>.

²Office of the Louisiana Governor, *Governor's Office of Coastal Activities* (accessed Nov. 17, 2022), <https://gov.louisiana.gov/page/governors-office-of-coastal-activities>.

³Office of the Governor of South Carolina, *Gov. Henry McMaster Names South Carolina's First Chief Resilience Officer* (Mar. 9, 2021), <https://governor.sc.gov/news/2021-03/gov-henry-mcmaster-names-south-carolinas-first-chief-resilience-officer>.

Senator Scott filed, but did not offer, an amendment striking the authorization of appropriations provision and instead requiring the Executive Office of the President to use existing funds to carry out the bill's requirements. Chairman Peters offered a modified substitute amendment incorporating Senator Scott's desire to eliminate the bill's authorization of new appropriations and it was adopted by voice vote *en bloc*. The bill, as amended, was ordered reported favorably by voice vote. Senators Peters, Carper, Hassan, Sinema, Rosen, Padilla, Ossoff, Portman, Johnson, Paul, Lankford, Romney, Scott, and Hawley were present. Senators Romney, Lankford, and Hawley were recorded "No."

IV. SECTION-BY-SECTION ANALYSIS OF THE BILL, AS REPORTED

Section 1. Short title

This bill will be referred to as the National Climate Adaptation and Resilience Strategy Act or the NCARS Act.

Section 2. National Climate Adaptation and Resilience Strategy

Part (a): Definitions

This section defines several terms relevant to the bill, including adaptive capacity, frontline communities, and slow-onset climate hazard.

Part (b): Chief Resilience Officer and National Climate Adaptation and Resilience Working Groups

Section 2(b)(1) directs the President to appoint a Chief Resilience Officer of the United States to lead the whole-of-government effort to build resilience to climate change and establish the National Climate Adaptation and Resilience Working Groups (Working Groups) described in subsection 2(b)(2). At the end of a Presidential administration, the Chief Resilience Officer will delegate their duties to the Executive Secretary of the Working Groups. The Chief Resilience Officer shall be compensated by the Federal Government at level III of the Executive Schedule.

Section 2(b)(2) directs the Chief Resilience Officer to establish up to five Working Groups to help coordinate the production of the Operations Report described in section 2(d) and the Strategy and Implementation Plan described in 2(e). This section further instructs the Chief Resilience Officer to identify the federal agencies relevant to the focus of each Working Group and appoint a representative with resilience expertise from each relevant agency to serve as a member of the group. This section also contains details about the minimum frequency of Working Group meetings and support personnel for the groups. The Working Groups will assist in the standardization across represented agencies of, with respect to climate change, the term "resilience" to promote greater consistency in Federal resilience leadership. The Chief Resilience Officer may designate as chairperson of a Working Group the head of a represented agency that serves on that Working Group.

Part (c): Partners Council on Climate Adaptation and Resilience

Section 2(c)(1) establishes a Partners Council on Climate Adaptation and Resilience (Council).

The purpose of the Council outlined in section 2(c)(2) is to provide the Chief Resilience Officer and Working Groups with recommendations for how the federal government can better support vulnerable frontline communities.

Section 2(c)(3) outlines that the Council will provide a report to the President and Working Groups within 16 months of enactment, and triennially thereafter, that details: observed deficiencies in federal resilience operations, the resources necessary for local communities to adequately adapt to climate change, and other recommendations to support non-federal partner resilience efforts.

Section 2(c)(4) establishes the Chief Resilience Officer as the chair of the Council. This section also directs the Chief Resilience Officer to appoint a vice-chair from the described members.

Section 2(c)(5) stipulates that 20 members of the Council shall be appointed by the Chief Resilience Officer and will support the mission of the Council and meet certain distribution criteria relating to the sector each member represents. The Chief Resilience Officer will also prioritize the appointment of individuals who—to the maximum extent practicable—have first-hand experience of climate vulnerability in the U.S., represent a diversity of backgrounds, and represent a diversity of U.S. geographies. This section also describes the term limits and procedures to fill Council vacancies. The Chief Resilience Officer may, with the consent of those representatives, appoint not more than 3 representatives of represented agencies to the Council that the Chief Resilience Officer determines would promote dialogue useful for implementation.

Section 2(c)(6) describes certain details relating to Council meetings, including frequency and the ability for remote participation.

Section 2(c)(7) states that Section 14 of the Federal Advisory Committee Act does not apply to the Council.

Part (d): National Climate Adaptation and Resilience Operations Report

This section directs the Chief Resilience Officer and Working Groups to submit a report to the President and Congress within 16 months of enactment, and triennially thereafter, detailing the climate resilience operations of each federal agency represented on any Working Group. The report must include a summary of resilience funding available from each represented agency. As part of the report, the Chief Resilience Officer and Working Groups must also develop a cross-agency analysis that identifies deficiencies, overlap, gaps, inconsistencies, and opportunities for increased coordination around resilience operations between the represented agencies to improve the whole-of-government response to climate change and support the production of the National Climate Adaptation and Resilience Strategy required in Section 6.

Part (e): National Climate Adaptation and Resilience Strategy

This section requires the Chief Resilience Officer and Working Groups to prepare a National Climate Adaptation and Resilience Strategy (Strategy) within three years of enactment, to be updated triennially, which must present an overarching strategic vision and specific strategies for how the federal government will address the threats of climate change in the U.S., taking into account rec-

ommendations from the Partners Council established in Section 4. This section also outlines a number of specific considerations the Chief Resilience Officer and Working Groups must address as part of the Strategy, including: a direct federal government response to climate change; support of non-federal partners' response to climate change; climate information; resilience metrics and indicators; funding climate adaptation; and social equity.

Section 2(e)(2) directs the Chief Resilience Officer and Working Groups to develop an Implementation Plan concurrently with each iteration of the Strategy, which must describe the roles and responsibilities of each agency in carrying out the Strategy, any inter-agency agreements devised to carry out portions of the Strategy, and any metrics and indicators used to track the federal government's progress and success in implementing the Strategy.

Section 2(e)(3) Congress requires the Government Accountability Office to submit a report to the President and Congress within 2 years of each iteration of the Strategy and Implementation Plan that assesses the extent to which the Strategy and Implementation Plan have been carried out by the federal government and the progress made towards developing an effective whole-of-government effort to build resilience to climate change.

Section 2(e)(4) requires the Chief Resilience Officer to publish drafts of the Strategy and Implementation Plan and solicit comments from the public for the Working Groups to consider before publishing final versions of the reports.

Part (f): General Provisions

This section sunsets the Act after the publication of the third Government Accountability Office assessment or on the last day of fiscal year 2033, whichever comes first.

V. EVALUATION OF REGULATORY IMPACT

Pursuant to the requirements of paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee has considered the regulatory impact of this bill and determined that the bill will have no regulatory impact within the meaning of the rules. The Committee agrees with the Congressional Budget Office's statement that the bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

VI. CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

U.S CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 9, 2022.

Hon. GARY C. PETERS,
Chairman, Committee on Homeland Security and Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed table summarizing estimated budgetary effects and mandates information for some of the legislation that has been ordered reported by the Senate Committee on Homeland security and Governmental Affairs during the 117th Congress.

If you wish further details, we will be pleased to provide them. The CBO staff contact for each estimate is listed on the enclosed table.

Sincerely,

PHILLIP L. SWAGEL,
Director.

Enclosure.

SUMMARY ESTIMATES OF LEGISLATION ORDERED REPORTED

The Congressional Budget Act of 1974 requires the Congressional Budget Office, to the extent practicable, to prepare estimates of the budgetary effects of legislation ordered reported by Congressional authorizing committees. In order to provide the Congress with as much information as possible, the attached table summarizes information about the estimated direct spending and revenue effects of some of the legislation that has been ordered reported by the Senate Committee on Homeland Security and Governmental Affairs during the 117th Congress. The legislation listed in this table generally would have small effects, if any, on direct spending or revenues, CBO estimates. Where possible, the table also provides information about the legislation's estimated effects on spending subject to appropriation and on intergovernmental and private-sector mandates as defined in the Unfunded Mandates Reform Act.

ESTIMATED BUDGETARY EFFECTS AND MANDATES INFORMATION

Bill Number	Title	Status	Last Action	Budget Function	Direct Spending, 2023-2032	Revenues, 2023-2032	Spending Subject to Appropriation, 2023-2027	Pay-As-You-Go Procedures Apply?	Increases On-Budget Deficits Beginning in 2033?	Mandates	Contact
S. 3531	National Climate Adaptation and Resilience Strategy Act of 2022	Ordered reported	09/28/22	800	Between zero and \$500,000	0	Not estimated	Yes	No	No	Matthew Pickford

S. 3531 would require the federal government to produce the National Climate Adaptation and Resilience Strategy to address vulnerabilities of federal agencies to climate change. The bill also would establish the position of Chief Resilience Officer and would authorize working groups to coordinate efforts between agencies to adapt to climate change. The Government Accountability Office would assess both the strategy and its implementation within five years of completion. CBO estimates that enacting S. 3531 would have an insignificant effect on direct spending and no effect on revenues over the 2023-2032 period. CBO has not estimated the discretionary costs of implementing S. 3531. The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

VII. CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation would make no change in existing law, within the meaning of clauses (a) and (b) of subparagraph 12 of rule XXVI of the Standing Rules of the Senate, because this legislation would not repeal or amend any provision of current law.

