

Sponsor: Sen. /u/hurricaneoflies (D-SR)

Co-sponsors: Sens. /u/GuiltyAir (D-LN), /u/cold_brew_coffee (S-CH) and /u/PGF3 (S-AC);
Reps. /u/Ninjjadragon (D-CH), /u/APG_Revival (D-DX), /u/High-Priest-of-Helix (D-LN),
/u/PresentSale (D-CH) and /u/ohprkl (D-CH)

IN THE SENATE OF THE UNITED STATES

Climate Adaptation and Research Act

AN ACT to establish the Climate Adaptation and Research Administration, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Sec. 1. Short title, definitions, and table of contents.

- (a) *Short title.* This Act may be cited as the “Climate Adaptation and Research Act of 2020”.
- (b) *Definitions.* In this Act, unless otherwise specified—
 - (1) “Administration” means the Climate Adaptation and Research Administration;
 - (2) “Administrator” means the Administrator of the Climate Adaptation and Research Administration; and
 - (3) “Secretary” means the Secretary of the Interior.
- (c) *Table of contents.* The table of contents of this Act is as follows:

Sec. 1. Short title, definitions, and table of contents.

Sec. 2. Declaration of policy.

Sec. 3. Enactment.

TITLE I—THE CLIMATE ADAPTATION AND RESEARCH ADMINISTRATION

Sec. 101. Definitions.

Sec. 102. Climate Adaptation and Research Administration.

Sec. 103. Administrator of the Climate Adaptation and Research Administration.

Sec. 104. Deputy Administrators.

TITLE II—TRANSITION

Sec. 201. Definitions.

Sec. 202. Transition period.

Sec. 203. Reorganization plans and report.

Sec. 204. Cooperation.

Sec. 205. Transitional provisions.

Sec. 206. Abolishment of the National Oceanic and Atmospheric Administration.

Sec. 207. Consequential amendments.

TITLE III—ATMOSPHERIC AND OCEANIC RESEARCH

Sec. 301. Definitions.

Sec. 302. Office of Atmospheric and Oceanic Research.

Sec. 303. Functions transferred.

Sec. 304. Oceanic innovation grants.

TITLE IV—EARTH AND CLIMATE RESEARCH

Sec. 401. Definitions.

Sec. 402. Office of Earth and Climate Research.

Sec. 403. Functions transferred.

Sec. 404. National Climate Adaptation Strategy.

Sec. 405. Resilient infrastructures program.

Sec. 2. Declaration of policy.

It is the policy of the Congress—

- (1) to recognize the immense and present danger that accelerating anthropogenic climate change poses to the national security of the United States and to the safety and welfare of the American people;
- (2) to take decisive action to ensure that better research, modeling and analysis help us quantify the severity of the crisis and ensure that mitigation and adaptation strategies are formed on a strong evidentiary basis;
- (3) to ensure through economies of scale and improved, centralized communications the improvement of climate and environmental research and the advancement of the earth and climate sciences at the Federal level; and
- (4) to end the current fragmentation of earth and climate research across numerous Federal executive departments and independent agencies.

Sec. 3. Enactment.

The Act takes effect six (6) months after enactment.

TITLE I—THE CLIMATE ADAPTATION AND RESEARCH ADMINISTRATION

Sec. 101. Definitions.

In this title—

- (1) “Department” means the Department of the Interior;
- (2) “Deputy Administrator” means a Deputy Administrator of the Climate Adaptation and Research Administration;
- (3) “Executive Schedule” means the provisions of [5 U.S.C. §§ 5311](#) *et seq.* pertaining to executive salaries; and
- (4) “For cause” means due to malfeasance, incompetence or incapacity.

Sec. 102. Climate Adaptation and Research Administration.

- (a) *Establishment of administration.* There is established in the Department of the Interior, an independent agency to be known as the “Climate Adaptation and Research Administration” (CARA), which shall coordinate all Federal climate research, adaptation and mitigation efforts. The Administration shall be considered an Executive agency within the meaning of [section 105](#) of title 5, United States Code. Except as otherwise provided expressly by law, all Federal laws dealing with public or Federal contracts, property, works, officers, employees, budgets, or funds, including the provisions of chapters 5 and 7 of [title 5](#), shall apply to the exercise of the powers of the Administration.
- (b) *Independence of administration.* Notwithstanding any other authority, the Secretary shall not—
 - (1) intervene in the internal affairs of the Administration except as expressly authorized by law;
 - (2) intervene in personnel affairs and active investigations of the Administrator, nor prevent or obstruct the issuance of any rule, order or regulation by the Administration;
 - (3) withhold funding or otherwise obstruct the activities of the Administration for the purpose of retaliation or preventing the Administration’s exercise of its lawful authority; or
 - (4) prevent any officer of the Administration from carrying out their lawful duties, nor prevent such officer from providing testimony or written report to the Congress.
- (c) *Vesting of powers.* The Administration is authorized to establish policies for all administrative and executive functions necessary and proper, including but not limited to—
 - (1) establishing a seal for the Administration;
 - (2) making necessary rules and regulations for internal administration and conducting the business of the Administration;
 - (3) making use of appropriations and other funding in a manner directed by law;
 - (4) implementing the relevant Federal laws by means consistent with and authorized by statute;

- (5) fixing the number of, appointing and managing all personnel of the Administration; and
- (6) ensuring the faithful execution of the provisions of this Act.
- (d) *Autonomy of administration.* The Administration is an autonomous legal and contractual actor from the Department and neither the Secretary nor Department shall be liable under law for its legal and contractual obligations.

Sec. 103. Administrator of the Climate Adaptation and Research Administration.

- (a) *Establishment of position.* There is established the position of the Administrator, who shall serve as the head of the Administration.
- (b) *Appointment.* The Administrator shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four (4) years; be it provided that the Administrator may serve subsequent to the expiration of such term until the confirmation of a replacement by the Senate.
- (c) *Qualifications.* The Administrator shall be a citizen of the United States with experience in a relevant domain to the mission of the Administration, such as but not limited to environmental protection, environmental law, earth and oceanic science, civil defense, emergency preparedness or environmental engineering.
- (d) *Compensation.* The Administrator shall be compensated at the rate prescribed for level I of the Executive Schedule.
- (e) *Dismissal for cause.* The Administrator shall not be dismissed by the President except for cause.
- (f) *Delegation of powers.* The Administrator may delegate the powers vested in the Administration by law to any duly-empowered officer or representative of the Administration.

Sec. 104. Deputy Administrators.

- (a) *Establishment of positions.* There is established the positions of Deputy Administrator, who shall serve under the Administrator and handle specialized portfolios.
- (b) *Deputy administrators.* The Deputy Administrators shall consist of—
 - (1) the Deputy Administrator for Atmospheric and Oceanic Research; and
 - (2) the Deputy Administrator for Earth and Climate Research.
- (c) *Appointment.* The Deputy Administrators shall be appointed by the President, by and with the advice and consent of the Senate, for a term of four (4) years; be it provided that a Deputy Administrator may serve subsequent to the expiration of such term until the confirmation of a replacement by the Senate; be it further provided that the Administrator may name an acting Deputy Administrator with the powers of the same in event of vacancy.
- (d) *Qualifications.* A Deputy Administrator shall be a citizen of the United States with experience in a relevant domain to the mission of the Administration, such as but not

limited to environmental protection, environmental law, earth and oceanic science, civil defense, emergency preparedness or environmental engineering.

- (e) *Compensation.* A Deputy Administrator shall be compensated at the rate prescribed for level II of the Executive Schedule.
- (f) *Dismissal for cause.* A Deputy Administrator shall not be dismissed by the President or the Administrator except for cause.

TITLE II—TRANSITION

Sec. 201. Definitions

In this title—

- (1) “Affected agencies” means all agencies subject to reorganization under titles III and IV; and
- (2) “Relevant Congressional committees” means the Senate Committee on Health, Science, and the Environment and the House Committee on Science, Energy, the Environment, and Commerce.

Sec. 202. Transition period.

A transition period shall begin upon the enactment date of this Act and shall last one hundred and eighty (180) days.

Sec. 203. Reorganization plans and report.

- (a) *Reorganization plans.* During the transition period, all agencies subject to reorganization under this Act shall create a reorganization plan to ensure the smooth transition of governance and report such plan to the Secretary.
- (b) *Final report.* No later than ninety (90) days after the enactment of this Act, the Secretary shall create and submit to the President and the relevant Congressional committees a report making provision for the transition of all affected agencies to the Administration pursuant to this Act.
- (c) *Contents of report.* The report shall lay out all necessary actions for the transfer of jurisdiction between the Departments, including the transfer of all functions, personnel, assets, liabilities, and appropriations.
- (d) *Transmission of reorganization plans.* The Secretary shall also cause to be transmitted to the relevant Congressional committees the reorganization plans of all agencies subject to reorganization under this Act.

Sec. 204. Cooperation.

All officers and agents of affected agencies shall cooperate with and provide all necessary assistance to the Secretary and the Administrator to execute the provisions of this Act.

Sec. 205. Transitional provisions.

- (a) *Reimbursement for provision of services.* During the transition period, the Secretary may by order reimburse Federal officers for the provision of services in aid of the transition and appoint officers of the affected agencies in an interim capacity to the Administration.
- (b) *Final transfer.* At the end of the transition period, or at an earlier date prescribed by the Secretary, all personnel, assets and obligations of agencies affected by the provisions of this Act shall transfer to the Administration.

Sec. 206. Abolishment of the National Oceanic and Atmospheric Administration.

- (a) *Abolishment.* At the end of the transition period established by title II, the National Oceanic and Atmospheric Administration shall be abolished.
- (b) *Transfer of National Marine Fisheries Service.* The Secretary of Commerce shall cause to be transmitted the functions, personnel, assets and liabilities of the National Marine Fisheries Service of the National Oceanic and Atmospheric Administration to the Secretary of the Interior.
- (c) *Consequential amendment.* In [15 U.S. Code § 2932](#), substitute “the Climate Adaptation and Research Administration” for “the National Oceanic and Atmospheric Administration of the Department of Commerce”.

Sec. 207. Consequential amendments.

- (a) *In general.* All statutory responsibilities and powers of the National Oceanic and Atmospheric Administration not otherwise assigned by this Act shall be exercised by the Administrator.
- (b) *NOAA Commissioned Corps.* The Commissioned Corps of the National Oceanic and Atmospheric Administration shall become the United States Oceanic Survey Corps under the overall operational command of the Deputy Administrator for Atmospheric and Oceanic Research, who shall concurrently hold office as the director and commander of the corps; be it provided that the Administrator retains overall command authority over the corps.
- (c) *Uniformed services.* In [5 U.S.C. § 2101](#), substitute “the United States Oceanic Survey Corps” for “the commissioned corps of the National Oceanic and Atmospheric Administration”.

TITLE III—ATMOSPHERIC AND OCEANIC RESEARCH

Sec. 301. Definitions.

In this title—

- (1) “Deputy Administrator” means the Deputy Administrator for Atmospheric and Oceanic Research; and
- (2) “Office” means the Office of Atmospheric and Oceanic Research.

Sec. 302. Office of Atmospheric and Oceanic Research.

- (a) *Establishment of office.* There is established in the Administration an Office of Atmospheric and Oceanic Research, with overall responsibility for leading research, field data collective and scientific analysis into atmospheric and oceanic conditions.
- (b) *Deputy administrator.* The Deputy Administrator is the head of the Office of Atmospheric and Oceanic Research.
- (c) *Mission.* The mission of the Office shall be—
 - (1) to understand and predict changes in atmospheric and oceanic patterns;
 - (2) to understand and predict patterns surrounding rising oceanic temperatures, oceanic pollution issues and other potential hydrological crises;
 - (3) to analyze the impact of changing climate patterns on the waterways of the United States, the oceans and global atmospheric and hydrological systems;
 - (4) to monitor and analyze atmospheric patterns and conditions and ensure the health of the global atmosphere;
 - (5) to ensure the accurate forecasting and predicting of weather patterns and atmospheric and hydrological natural disasters;
 - (6) to improve meteorological and forecasting systems to better understand and predict weather patterns, storms and tropical cyclones; and
 - (7) to promote public understanding of the atmospheric and oceanic sciences in particular and climate science in general.
- (d) *Duties.* In carrying out its mission, the Office shall:
 - (1) provide atmospheric and oceanic advice to the Administrator, the Secretary and the President;
 - (2) establish and maintain a constituent agency to engage in meteorological forecasting, storm modeling and public information concerning weather and storms;
 - (3) work with other entities within the Department of the Interior and other Federal agencies to successfully execute its mission; and
 - (4) execute the provisions of this title in a manner consistent with law.

Sec. 303. Functions transferred.

In accordance to title II, there shall be transferred to the Administrator, for assignment to the Deputy Administrator, the functions, personnel, assets and liabilities of the following:

- (1) the Earth Science Division of the National Aeronautics and Space Administration, including the relevant functions of the Administrator of the National Aeronautics and Space Administration;
- (2) the National Ocean Service of the National Oceanic and Atmospheric Administration, including the relevant functions of the Administrator of the National Oceanic and Atmospheric Administration and the Secretary of Commerce;
- (3) the National Weather Service of the National Oceanic and Atmospheric Administration, including the relevant functions of the Administrator of the National Oceanic and Atmospheric Administration and the Secretary of Commerce;
- (4) the Office of Atmospheric Programs of the Environmental Protection Agency, including the relevant functions of the Administrator of the Environmental Protection Agency; and
- (5) the Office of Marine & Aviation Operations of the National Oceanic and Atmospheric Administration, including the relevant functions of the Administrator of the National Oceanic and Atmospheric Administration and the Secretary of Commerce.

Sec. 304. Oceanic innovation grants.

- (a) *In general.* The Administrator, acting through the Deputy Administrator, shall have the authority to establish a program of oceanic innovation grants.
- (b) *Purpose.* The purpose of the grants shall be to—
 - (i) measure, study or analyze oceanic and atmospheric patterns, trends or phenomena;
 - (ii) develop new methods or tools for such a purpose; or
 - (iii) develop and test new methods and techniques to prevent or mitigate the impacts of atmospheric and oceanic changes connected to global climate change.
- (c) *Requirements.* No grant shall be awarded which is inconsistent with the purpose in subsection (b) or with general mission of the Administration or the Office; be it provided that this subsection creates a private right of action against the Administration solely for injunctive relief.
- (d) *Awarded on competitive basis.* Grants shall be awarded to academic institutions, nonprofit groups and State and local governments on a competitive basis in accordance with objective analysis criteria established by the Administrator.

TITLE IV—EARTH AND CLIMATE RESEARCH

Sec. 401. Definitions.

In this title—

- (1) “Deputy Administrator” means the Deputy Administrator for Earth and Climate Research;
- (2) “Office” means the Office of Earth and Climate Research; and
- (3) “Strategy” means the national climate adaptation strategy;

Sec. 302. Office of Earth and Climate Research.

- (a) *Establishment of office.* There is established in the Administration an Office of Earth and Climate Research, with overall responsibility for leading research, field data collective and scientific analysis into earth and climate conditions.
- (b) *Deputy administrator.* The Deputy Administrator is the head of the Office of Earth and Climate Research.
- (c) *Mission.* The mission of the Office shall be—
 - (1) to understand and predict changes in ground and environmental patterns;
 - (2) to understand and predict patterns surrounding ecological depletion, the emission of greenhouse gases, ground and ecological pollution, and other environmental crises;
 - (3) to analyze the impact of changing climate patterns on global geological, environmental and ground conditions;
 - (4) to forecast and model the impact of climate change on the environment, population and economy of the United States;
 - (5) to develop and formulate proposals and ideas for climate change mitigation and adaptation;
 - (6) to understand and quantify the processes and present and future impact of anthropogenic climate change;
 - (7) to promote public understanding of the earth and geographic sciences in particular and climate science in general.
- (d) *Duties.* In carrying out its mission, the Office shall:
 - (1) provide environmental and geological advice to the Administrator, the Secretary and the President;
 - (2) establish and maintain a constituent agency to engage in ground and geological surveying, the provision of geodetic data, the collection and analysis of geographic information and related functions;
 - (3) work with other entities within the Department of the Interior and other Federal agencies to successfully execute its mission; and
 - (4) execute the provisions of this title in a manner consistent with law.

Sec. 403. Functions transferred.

In accordance to title II, there shall be transferred to the Administrator, for assignment to the Deputy Administrator, the functions, personnel, assets and liabilities of the following:

- (1) the Center for Climate Change and Environmental Forecasting of the Department of Transportation, including the relevant functions of the Secretary of Transportation;
- (2) the Climate Change Program Office of the Department of Agriculture, including the relevant functions of the Secretary of Agriculture;
- (3) the National Environmental Satellite, Data, and Information Service of the National Oceanic and Atmospheric Administration, including the relevant functions of the Administrator of the National Oceanic and Atmospheric Administration and the Secretary of Commerce; and
- (4) the United States Geological Survey of the Department of the Interior, including the relevant functions of the Secretary of the Interior.

Sec. 404. National Climate Adaptation Strategy.

- (a) *In general.* The Office shall produce by the first of January of each calendar year a national climate adaptation strategy.
- (b) *Components.* The Strategy shall include—
 - (1) a summary of relevant annual statistics regarding climate change, greenhouse gas emissions and any other environmental figures deemed appropriate by the Administrator;
 - (2) a report on United States progress towards achieving environmental goals and targets as established by all applicable international agreements;
 - (3) an outline of key annual statistics and performance reports for all federal climate change mitigation and analysis programs as determined by the Administrator;
 - (4) an interagency list of most wanted policy changes to fight climate change and ensure safe and effective mitigation, adaptation and resilience;
 - (5) a plan to ensure that the United States remains on track to reducing greenhouse gas emissions and adapting to the changing realities of climate change; and
 - (6) a scientific assessment of annual climate statistics by the Offices of Atmospheric and Oceanic Research and of Earth and Climate Research.
- (c) *Interagency collaboration.* The report shall be produced in collaboration with the Committee on Earth and Environmental Sciences and all Federal agencies shall cooperate with the Administrator in ensuring the production of the same.
- (d) *Notwithstanding clause; publication.* Notwithstanding any other provision of law, the strategy shall be published in full in the Federal Register no longer than twenty-one (21) days following the deadline in subsection (a).

Sec. 405. Resilient infrastructures program.

- (a) *In general.* The Administrator, acting through the Deputy Administrator, shall have the authority to establish a resilient infrastructures program grant.
- (b) *Purpose.* The purpose of the grants shall be to—

- (i) develop new urban and rural infrastructures that are adapted to or resilient against the direct effects of climate change, such as rising water levels and extreme temperatures;
 - (ii) aid in scientific and social research on developing and understanding the field of climate adaptation and resilience; or
 - (iii) identify infrastructures which are vulnerable in the short and medium term to the effects of climate change.
- (c) *Requirements.* No grant shall be awarded which is inconsistent with the purpose in subsection (b) or with general mission of the Administration or the Office; be it provided that this subsection creates a private right of action against the Administration solely for injunctive relief.
- (d) *Awarded on competitive basis.* Grants shall be awarded to academic institutions, nonprofit groups and State and local governments on a competitive basis in accordance with objective analysis criteria established by the Administrator.
- (e) *Excluded purposes.* No grants shall be issued under this program for the purposes of developing for-profit goods or services or for the purposes of tropical cyclone adaptation or flood control and defense.