[DISCUSSION DRAFT]

116TH CONGRESS 2D SESSION

H. R. ______

For climate change planning, mitigation, and adaptation in the U.S. Territories and Freely Associated States.

IN THE HOUSE OF REPRESENTATIVES

Mr. Grijalva introduced the following bill; which was referred to the Committee on

A BILL

For climate change planning, mitigation, and adaptation in the U.S. Territories and Freely Associated States.

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “Insular Area Climate
Change Act”.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Findings.
Sec. 5. Office of insular area energy policy and programs.
Sec. 6. Comprehensive energy plans study.
Sec. 7. Energy efficient appliance rebate program.
Sec. 8. Office of insular affairs technical assistance program.
Sec. 9. Climate change insular research grant program.
Sec. 10. Coastal management technical assistance and report.
Sec. 11. Rumit dome report.
Sec. 12. Coral reefs.
Sec. 13. National Weather Service technical assistance and grants.
Sec. 14. Disaster relief Federal cost-share waiver.
Sec. 15. Insular Area Climate Change Interagency Task Force.

SEC. 3. DEFINITIONS.

In this Act, the following definitions apply:


(2) Insular Areas.—The term “Insular Areas” means the territories and Freely Associated States.

(3) Territories.—The term “territories” means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the Virgin Islands of the United States.

SEC. 4. FINDINGS.

Congress finds as follows:

(1) The U.S.-affiliated Insular Areas — U.S. territories and Freely Associated States — are topographically and environmentally diverse, treasured by millions of individuals who call them home.
(2) The territories in the Caribbean – Puerto Rico and the Virgin Islands of the United States – and the territories in the Pacific – American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam – face many of the same climate change related challenges. Freely Associated States also face similar climate change related vulnerabilities.

(3) Insular Areas will likely experience sea level rise, coastal erosion, and increasing storm impacts that threaten lives, critical infrastructure, and livelihood security. In addition, temperature increases will likely further create droughts, reduce water supply, and increase demand of freshwater in the territories and Freely Associated States.

(4) In 2017, two major storms, Hurricanes Irma and Maria, impacted Puerto Rico and the Virgin Islands of the United States. Hurricane Maria caused thousands of deaths in Puerto Rico and significant damage to its infrastructure, including the territory’s energy system. Similarly, in 2018, Typhoon Yutu impacted the Commonwealth of the Northern Mariana Islands causing catastrophic destruction on the territory.
SEC. 5. OFFICE OF INSULAR AREA ENERGY POLICY AND
PROGRAMS.

(a) IN GENERAL.—Title II of the Department of Energy Organization Act (42 U.S.C. 7131 et seq.) is amended by adding at the end the following:

“SEC. 218. OFFICE OF INSULAR AREA ENERGY POLICY AND
PROGRAMS.

“(a) ESTABLISHMENT.—There is established within the Department an Office of Insular Area Energy Policy and Programs. The Office shall be headed by a Director, who shall be appointed by the Secretary and compensated at a rate equal to that of level IV of the Executive Schedule under section 5315 of title 5, United States Code.

“(b) DUTIES.—The Office shall direct, coordinate, implement, and monitor energy planning, education, management, conservation, and delivery programs of the Department to—

“(1) assist territories in developing comprehensive energy plans;

“(2) expand renewable energy and energy efficiency in the territories;

“(3) reduce or stabilize energy costs in the territories;

“(4) enhance and strengthen energy infrastructure in the territories to withstand natural disasters; and
“(5) work with territories to develop improved regulatory and oversight conditions.

“(c) Authorization of Appropriations.—To carry out this section there is authorized to be appropriated to the Secretary $20,000,000 for fiscal year 2021 and each fiscal year thereafter.”

(b) Conforming Amendments.—

(1) [____].—The table of contents of the Department of Energy Organization Act (42 U.S.C. prec. 7101) is amended by inserting the following:

“Sec. 218. Office of Insular Area Energy Policy and Programs.”

(2) [____].—Section 5315 of title 5, United States Code, is amended by inserting after the item related to the Director, Office of Science, Department of Energy the following new item: “Director, Office of Insular Area Energy Policy and Programs, Department of Energy.”

SEC. 6. COMPREHENSIVE ENERGY PLANS STUDY.

(a) In General.—Not later than 1 year after the date of the enactment of this Act, the Office of Insular Area Energy Policy and Programs, in consultation with the Department of Interior Office of Insular Affairs, shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives a report with the results of the execution of the comprehensive energy plans required by [48 U.S.C. 1492(b)], including
initial, planned and current sources of renewable energy; initial, planned, and current energy imports; and projected and actual 2020 energy needs for each territory and Freely Associated State. The Office shall also submit to these committees a report on the lessons learned from the preparation of these plans, the date the plans were updated for the last time, and recommendations on the need to update the plans of each territory and Freely Associated State.

(b) **PUBLICATION.**—The study required in subsection (a) shall be published in the Federal Register for public comment for a period of not fewer than 60 days.

(c) **PUBLIC AVAILABILITY.**—The Office shall publish the study required under subsection (a) and results submitted under subsection (b) on a public website.

**SEC. 7. ENERGY EFFICIENT APPLIANCE REBATE PROGRAM.**

(a) **DEFINITIONS.**—In this section:

(1) **ELIGIBLE TERRITORY.**—The term “eligible territory” means a territory that meets the requirements of subsection (d).

(2) **ENERGY STAR PROGRAM.**—The term “Energy Star program” means the program established by section 324A of the Energy Policy and Conservation Act.

(3) **RESIDENTIAL ENERGY STAR PRODUCT.**—The term “residential Energy Star product” means
a product for a residence that is rated for energy efficiency under the Energy Star program.

(4) ENERGY OFFICE.—The term “energy office” means the government agency within the territory responsible for developing energy conservation plans under section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322).

(5) REBATE PROGRAM.—The term “rebate program” means an energy efficient appliance rebate program described in subsection (d)(1).

(b) ESTABLISHMENT.—The Secretary shall establish a program, to be known as the “Energy Efficient Appliance Rebate Program”, under which the Director of the Office of Insular Area Energy and Policy Programs shall provide allocations to eligible territories in accordance with this section.

(c) PURPOSE.—The purpose of the program shall be to reduce energy demand from residential customers, reduce energy and water costs for consumers, reduce greenhouse gas emissions, and increase public awareness of energy efficiency in the territories.

(d) ELIGIBLE TERRITORIES.—A territory shall be eligible to receive an allocation under subsection (e) if the territory—
(1) establishes (or has established) an energy
efficient appliance rebate program to provide rebates
to residential consumers for the purchase of residen-
tial Energy Star products to replace used appliances
of the same type;

(2) submits an application for the allocation at
such time, in such form, and containing such infor-
mation as the Director of the Office of Insular Area
Energy Policy and Programs may require; and

(3) provides assurances satisfactory to the Di-
rector that the territory will use the allocation to
supplement, but not supplant, funds made available
to carry out the rebate program.

(e) AMOUNT OF ALLOCATIONS.—

(1) IN GENERAL.—Subject to paragraph (2),
for fiscal year 2021 through 2025, the Director shall
allocate to the energy office of each eligible territory
to carry out subsection (f) an amount equal to the
product obtained by multiplying the amount made
available under subsection (h) for the fiscal year by
the ratio that the population of the territory in the
most recent calendar year for which data are avail-
able bears to the total population of all eligible terri-

tory in that calendar year.
(2) MINIMUM ALLOCATIONS.—For each fiscal year, the amounts allocated under this subsection shall be adjusted proportionately so that no eligible territory is allocated a sum that is less than an amount determined by the Director.

(f) USE OF ALLOCATED FUNDS.—The allocation to an energy office under subsection (e) may be used to pay up to 25 percent of the cost of establishing and carrying out a rebate program.

(g) ISSUANCE OF REBATES.—Rebates may be provided to residential consumers that meet the requirements of the rebate program. The amount of a rebate shall be determined by the energy office, taking into consideration—

(1) the amount of the allocation to the energy office under subsection (e);

(2) the amount of any tax incentive available for the purchase of the residential Energy Star product; and

(3) the difference between the cost of the residential Energy Star product and the cost of an appliance that is not a residential Energy Star product, but is of the same type as, and is the nearest capacity, performance, and other relevant character-
istics (as determined by the energy office) to, the
residential Energy Star product.

(h) **Authorization of Appropriations.**—There
are authorized to be appropriated to the Secretary of En-
ergy to carry out this section $5,000,000 for each of the
fiscal years 2021 through 2025.

**SEC. 8. OFFICE OF INSULAR AFFAIRS TECHNICAL ASSIST-
ANCE PROGRAM.**

(a) **In General.**—The Secretary of the Interior, act-
ing through the Office of Insular Affairs Technical Assist-
ance Program, shall provide technical assistance for cli-
mate change planning, mitigation, and adaptation to Ter-
ritories and Freely Associated States under its jurisdi-
tion.

(b) **Authorization of Appropriations.**—To carry
out this subsection there is authorized to be appropriated
to the Secretary $5,000,000 for fiscal year 2021 and each
fiscal year thereafter.

**SEC. 9. CLIMATE CHANGE INSULAR RESEARCH GRANT
PROGRAM.**

(a) **In General.**—The Secretary of Commerce, act-
ing through the Administrator of the National Oceanic
and Atmospheric Administration, shall establish a Climate
Change Insular Research Grant Program to provide
grants to institutions of higher education, as such term
is defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)), in the territories and Freely Associated States for monitoring, collecting, synthesizing, analyzing, and publishing local climate change data.

(b) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section there is authorized to be appropriated to the Secretary $5,000,000 for each of fiscal years 2021 and 2022.

SEC. 10. COASTAL MANAGEMENT TECHNICAL ASSISTANCE AND REPORT.

(a) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, acting through the Director of the Office for Coastal Management, shall provide technical assistance to the territories and Freely Associated States to enhance their coastal management and climate change programs.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection there is authorized to be appropriated to the Secretary of Commerce $5,000,000 for fiscal year 2021 and each fiscal year thereafter.

(b) ANNUAL REPORT.—The Administrator, acting through the Director of Coastal Management, shall submit
an annual report to the Committee on Natural Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of—

(1) wetland conditions in the territories and Freely Associated States; and

(2) climate change impacts, including ecological and economic impacts, in the territories and Freely Associated States.

SEC. 11. RUNIT DOME REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Administrator of the National Oceanic and Atmospheric Administration and the Administrator of the Environmental Protection Agency shall submit to the Committees on Energy and Commerce and Natural Resources of the House of Representatives a report on the impacts of climate change on the Runit Dome in the Marshall Islands. The report shall evaluate the effects of the rising sea level on the dome’s infrastructure and nuclear waste, and the effects of potential radioactive pollution on surrounding ocean life and ecosystems.

(b) PUBLICATION.—The report required in subsection (a) shall be published in the Federal Register for public comment for a period of not fewer than 60 days.
(c) **PUBLIC AVAILABILITY.**—The National Oceanic and Atmospheric Administration shall publish the study required under subsection (a) and results submitted under subsection (b) on a public website.

**SEC. 12. CORAL REEFS.**

(a) **PRIZE COMPETITIONS.**—The head of each Federal agency represented on the U.S. Coral Reef Task Force established under Executive Order 13089 (63 Fed. Reg. 32701) may carry out prize competitions that promote coral reef research and conservation in the territories and Freely Associated States.

(b) **WAIVER OF MATCHING REQUIREMENT.**—Section 204(b) of the Coral Reef Conservation Act of 2000 (16 U.S.C. 6403(b)) is amended—

(1) by striking the enumerator and heading for paragraph (2) and inserting the following:

“(2) **WAIVERS.**—

“(A) **NEED AND BENEFIT.**”—; and

(2) by adding at the end of paragraph (2) the following:

“(B) **SUSTAINING CORAL REEF MANAGEMENT AND MONITORING.**—The Secretary shall waive all the matching requirement under paragraph (2) for grants to implement State and territorial coral reef conservation cooperative
agreements to sustain coral reef management and monitoring in Florida, Hawaii, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the United States Virgin Islands.”

SEC. 13. NATIONAL WEATHER SERVICE TECHNICAL ASSISTANCE AND GRANTS.

(a) TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration, acting through the Director of the National Weather Service, shall provide technical assistance to the San Juan, Tiyan, and Pago Pago forecast offices to improve track weather data, produce more accurate tropical weather predictions and models, acquire new equipment, and research the impact of climate change in hurricane and typhoon trends in the territories and Freely Associated States.

(2) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection there is authorized to be appropriated to the Secretary of Commerce $5,000,000 for fiscal year 2021 and each fiscal year thereafter.

(b) GRANTS.—
(1) IN GENERAL.—The Secretary, acting through the Administrator, may provide grants to academic, nonprofit, and local entities to conduct climate change research in the territories and Freely Associated States.

(2) INCLUDED GRANT PURPOSE.—The purpose of a grant under this subsection may include research on oceanic heat content to assess past and future hurricane and typhoon trends.

(3) AUTHORIZATION OF APPROPRIATIONS.—To carry out this subsection there is authorized to be appropriated to the Secretary $5,000,000 for fiscal year 2021 and each fiscal year thereafter.

SEC. 14. DISASTER RELIEF FEDERAL COST-SHARE WAIVER.

Any funding made available territories and Freely Associated States for disaster relief, long-term recovery, restoration of infrastructure and housing, economic revitalization, and mitigation pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) shall not be subject to a non-Federal share funding requirement.

SEC. 15. INSULAR AREA CLIMATE CHANGE INTERAGENCY TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—Not later than 90 days after the date of enactment of this Act, the
Secretary of Interior, the Secretary of Energy, the Secretary of State, the Secretary of Housing and Urban Development, the Secretary of Agriculture, the Secretary of Commerce, the Administrator of the Federal Emergency Management Agency, and the Administrator of the Environmental Protection Agency shall establish the Insular Area Climate Change Interagency Task Force. The Task Force shall be chaired by the Administrator of the Federal Emergency Management Agency.

(b) PURPOSE OF TASK FORCE.—The Task Force shall be responsible for evaluating the full complement of Federal programs to provide greater access and equitable baseline funding to territories across their programs for climate change planning, mitigation, and adaptation. If statutory barriers impede implementation of this direction, the Task Force should identify those barriers to Congress. The Task Force shall also be responsible for providing advice and recommendations to Congress related to climate change in the territories and Freely Associated States.

(c) COMPREHENSIVE REPORT.—Not later than 1 year after the establishment of the interagency task force under subsection (a), the task force, in consultation with territorial governments and other territorial stakeholders, shall issue a comprehensive report that—
(1) identifies Federal programs that have an impact on climate change planning, mitigation, and adaptation, but exclude territories and Freely Associated States; and

(2) provides advice and recommendations to Congress related to climate change in the territories and Freely Associated States.

(d) PUBLICATION.—The report required in subsection (c) shall be published in the Federal Register for public comment for a period of not fewer than 60 days.

(e) PUBLIC AVAILABILITY.—The Task Force shall publish the report required under subsection (c) and results submitted under subsection (d) on a public website.