

[DISCUSSION DRAFT]116TH CONGRESS
2^D 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.

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

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. TABLE OF CONTENTS.**

7 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. Runit 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.

1 **SEC. 3. DEFINITIONS.**

2 In this Act, the following definitions apply:

3 (1) **FREELY ASSOCIATED STATES.**—The term
4 “Freely Associated States” means the Republic of
5 the Marshall Islands, the Federated States of Micro-
6 nesia, and the Republic of Palau.

7 (2) **INSULAR AREAS.**—The term “Insular
8 Areas” means the territories and Freely Associated
9 States.

10 (3) **TERRITORIES.**—The term “territories”
11 means American Samoa, the Commonwealth of the
12 Northern Mariana Islands, Guam, Puerto Rico, and
13 the Virgin Islands of the United States.

14 **SEC. 4. FINDINGS.**

15 Congress finds as follows:

16 (1) The U.S.-affiliated Insular Areas – U.S.
17 territories and Freely Associated States – are topo-
18 graphically and environmentally diverse, treasured
19 by millions of individuals who call them home.

1 (2) The territories in the Caribbean – Puerto
2 Rico and the Virgin Islands of the United States –
3 and the territories in the Pacific – American Samoa,
4 the Commonwealth of the Northern Mariana Is-
5 lands, and Guam – face many of the same climate
6 change related challenges. Freely Associated States
7 also face similar climate change related
8 vulnerabilities.

9 (3) Insular Areas will likely experience sea level
10 rise, coastal erosion, and increasing storm impacts
11 that threaten lives, critical infrastructure, and liveli-
12 hood security. In addition, temperature increases
13 will likely further create droughts, reduce water sup-
14 ply, and increase demand of freshwater in the terri-
15 tories and Freely Associated States.

16 (4) In 2017, two major storms, Hurricanes
17 Irma and Maria, impacted Puerto Rico and the Vir-
18 gin Islands of the United States. Hurricane Maria
19 caused thousands of deaths in Puerto Rico and sig-
20 nificant damage to its infrastructure, including the
21 territory's energy system. Similarly, in 2018, Ty-
22 phoon Yutu impacted the Commonwealth of the
23 Northern Mariana Islands causing catastrophic de-
24 struction on the territory.

1 **SEC. 5. OFFICE OF INSULAR AREA ENERGY POLICY AND**
2 **PROGRAMS.**

3 (a) IN GENERAL.—Title II of the Department of En-
4 ergy Organization Act (42 U.S.C. 7131 et seq.) is amend-
5 ed by adding at the end the following:

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

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

14 “(b) DUTIES.—The Office shall direct, coordinate,
15 implement, and monitor energy planning, education, man-
16 agement, conservation, and delivery programs of the De-
17 partment to—

18 “(1) assist territories in developing comprehen-
19 sive energy plans;

20 “(2) expand renewable energy and energy effi-
21 ciency in the territories;

22 “(3) reduce or stabilize energy costs in the ter-
23 ritories;

24 “(4) enhance and strengthen energy infrastruc-
25 ture in the territories to withstand natural disasters;

26 and

1 “(5) work with territories to develop improved
2 regulatory and oversight conditions.

3 “(c) AUTHORIZATION OF APPROPRIATIONS.—To
4 carry out this section there is authorized to be appro-
5 priated to the Secretary \$20,000,000 for fiscal year 2021
6 and each fiscal year thereafter.”.

7 (b) CONFORMING AMENDMENTS.—

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

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

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

17 **SEC. 6. COMPREHENSIVE ENERGY PLANS STUDY.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of the enactment of this Act, the Office of Insular
20 Area Energy Policy and Programs, in consultation with
21 the Department of Interior Office of Insular Affairs, shall
22 submit to the Committees on Energy and Commerce and
23 Natural Resources of the House of Representatives a re-
24 port with the results of the execution of the comprehensive
25 energy plans required by [48 U.S.C. 1492(b)], including

1 initial, planned and current sources of renewable energy;
2 initial, planned, and current energy imports; and projected
3 and actual 2020 energy needs for each territory and Free-
4 ly Associated State. The Office shall also submit to these
5 committees a report on the lessons learned from the prepa-
6 ration of these plans, the date the plans were updated for
7 the last time, and recommendations on the need to update
8 the plans of each territory and Freely Associated State.

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

12 (c) PUBLIC AVAILABILITY.—The Office shall publish
13 the study required under subsection (a) and results sub-
14 mitted under subsection (b) on a public website.

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

16 (a) DEFINITIONS.—In this section:

17 (1) ELIGIBLE TERRITORY.—The term “eligible
18 territory” means a territory that meets the require-
19 ments of subsection (d).

20 (2) ENERGY STAR PROGRAM.—The term “En-
21 ergy Star program” means the program established
22 by section 324A of the Energy Policy and Conserva-
23 tion Act.

24 (3) RESIDENTIAL ENERGY STAR PRODUCT.—
25 The term “residential Energy Star product” means

1 a product for a residence that is rated for energy ef-
2 ficiency under the Energy Star program.

3 (4) ENERGY OFFICE.—The term “energy of-
4 fice” means the government agency within the terri-
5 tory responsible for developing energy conservation
6 plans under section 362 of the Energy Policy and
7 Conservation Act (42 U.S.C. 6322).

8 (5) REBATE PROGRAM.—The term “rebate pro-
9 gram” means an energy efficient appliance rebate
10 program described in subsection (d)(1).

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

17 (c) PURPOSE.—The purpose of the program shall be
18 to reduce energy demand from residential customers, re-
19 duce energy and water costs for consumers, reduce green-
20 house gas emissions, and increase public awareness of en-
21 ergy efficiency in the territories.

22 (d) ELIGIBLE TERRITORIES.—A territory shall be eli-
23 gible to receive an allocation under subsection (e) if the
24 territory—

1 (1) establishes (or has established) an energy
2 efficient appliance rebate program to provide rebates
3 to residential consumers for the purchase of residen-
4 tial Energy Star products to replace used appliances
5 of the same type;

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

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

14 (e) AMOUNT OF ALLOCATIONS.—

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

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

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

10 (g) ISSUANCE OF REBATES.—Rebates may be pro-
11 vided to residential consumers that meet the requirements
12 of the rebate program. The amount of a rebate shall be
13 determined by the energy office, taking into consider-
14 ation—

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

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

20 (3) the difference between the cost of the resi-
21 dential Energy Star product and the cost of an ap-
22 pliance that is not a residential Energy Star prod-
23 uct, but is of the same type as, and is the nearest
24 capacity, performance, and other relevant character-

1 is defined in section 101(a) of the Higher Education Act
2 of 1965 (20 U.S.C. 1001(a)), in the territories and Freely
3 Associated States for monitoring, collecting, synthesizing,
4 analyzing, and publishing local climate change data.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section there is authorized to be appropriated to
7 the Secretary \$5,000,000 for each of fiscal years 2021 and
8 2022.

9 **SEC. 10. COASTAL MANAGEMENT TECHNICAL ASSISTANCE**
10 **AND REPORT.**

11 (a) TECHNICAL ASSISTANCE.—

12 (1) IN GENERAL.—The Administrator of the
13 National Oceanic and Atmospheric Administration,
14 acting through the Director of the Office for Coastal
15 Management, shall provide technical assistance to
16 the territories and Freely Associated States to en-
17 hance their coastal management and climate change
18 programs.

19 (2) AUTHORIZATION OF APPROPRIATIONS.—To
20 carry out this subsection there is authorized to be
21 appropriated to the Secretary of Commerce
22 \$5,000,000 for fiscal year 2021 and each fiscal year
23 thereafter.

24 (b) ANNUAL REPORT.—The Administrator, acting
25 through the Director of Coastal Management, shall submit

1 an annual report to the Committee on Natural Resources
2 of the House of Representatives and the Committee on
3 Commerce, Science, and Transportation of the Senate on
4 the status of—

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

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

10 **SEC. 11. RUNIT DOME REPORT.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of the enactment of this Act, the Administrator of
13 the National Oceanic and Atmospheric Administration
14 and the Administrator of the Environmental Protection
15 Agency shall submit to the Committees on Energy and
16 Commerce and Natural Resources of the House of Rep-
17 resentatives a report on the impacts of climate change on
18 the Runit Dome in the Marshall Islands. The report shall
19 evaluate the effects of the rising sea level on the dome’s
20 infrastructure and nuclear waste, and the effects of poten-
21 tial radioactive pollution on surrounding ocean life and
22 ecosystems.

23 (b) PUBLICATION.—The report required in sub-
24 section (a) shall be published in the Federal Register for
25 public comment for a period of not fewer than 60 days.

1 (c) PUBLIC AVAILABILITY.—The National Oceanic
2 and Atmospheric Administration shall publish the study
3 required under subsection (a) and results submitted under
4 subsection (b) on a public website.

5 **SEC. 12. CORAL REEFS.**

6 (a) PRIZE COMPETITIONS.—The head of each Fed-
7 eral agency represented on the U.S. Coral Reef Task
8 Force established under Executive Order 13089 (63 Fed.
9 Reg. 32701) may carry out prize competitions that pro-
10 mote coral reef research and conservation in the territories
11 and Freely Associated States.

12 (b) WAIVER OF MATCHING REQUIREMENT.—Section
13 204(b) of the Coral Reef Conservation Act of 2000 (16
14 U.S.C. 6403(b)) is amended—

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

17 “(2) WAIVERS.—

18 “(A) NEED AND BENEFIT.—”; and

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

21 “(B) SUSTAINING CORAL REEF MANAGE-
22 MENT AND MONITORING.—The Secretary shall
23 waive all the matching requirement under para-
24 graph (2) for grants to implement State and
25 territorial coral reef conservation cooperative

1 (1) IN GENERAL.—The Secretary, acting
2 through the Administrator, may provide grants to
3 academic, nonprofit, and local entities to conduct cli-
4 mate change research in the territories and Freely
5 Associated States.

6 (2) INCLUDED GRANT PURPOSE.—The purpose
7 of a grant under this subsection may include re-
8 search on oceanic heat content to assess past and
9 future hurricane and typhoon trends.

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

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

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

22 **SEC. 15. INSULAR AREA CLIMATE CHANGE INTERAGENCY**
23 **TASK FORCE.**

24 (a) ESTABLISHMENT OF TASK FORCE.—Not later
25 than 90 days after the date of enactment of this Act, the

1 Secretary of Interior, the Secretary of Energy, the Sec-
2 retary of State, the Secretary of Housing and Urban De-
3 velopment, the Secretary of Agriculture, the Secretary of
4 Commerce, the Administrator of the Federal Emergency
5 Management Agency, and the Administrator of the Envi-
6 ronmental Protection Agency shall establish the Insular
7 Area Climate Change Interagency Task Force. The Task
8 Force shall be chaired by the Administrator of the Federal
9 Emergency Management Agency.

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

20 (c) COMPREHENSIVE REPORT.—Not later than 1
21 year after the establishment of the interagency task force
22 under subsection (a), the task force, in consultation with
23 territorial governments and other territorial stakeholders,
24 shall issue a comprehensive report that—

1 (1) identifies Federal programs that have an
2 impact on climate change planning, mitigation, and
3 adaptation, but exclude territories and Freely Asso-
4 ciated States; and

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

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

11 (e) PUBLIC AVAILABILITY.—The Task Force shall
12 publish the report required under subsection (c) and re-
13 sults submitted under subsection (d) on a public website.