

118TH CONGRESS
1ST SESSION

H. R. 5204

To direct the Administrator of the Environmental Protection Agency to establish a grant program to facilitate the development of climate adaptation plans by certain entities, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 15, 2023

Ms. ESCOBAR introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To direct the Administrator of the Environmental Protection Agency to establish a grant program to facilitate the development of climate adaptation plans by certain entities, and for other purposes.

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 “Climate Adaptation
5 Plan Act” or the “CAP Act”.

6 **SEC. 2. CLIMATE ADAPTATION PLAN GRANT PROGRAM.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of the enactment of this section, the Administrator

1 shall establish a grant program to award amounts, on a
2 competitive basis, to eligible entities to facilitate the devel-
3 opment of a climate adaptation plan by such eligible enti-
4 ties.

5 (b) GUIDANCE.—The Administrator shall issue guid-
6 ance regarding the implementation of the grant program
7 established under subsection (a) in consultation with
8 stakeholders, including representatives of youth, farmers,
9 nongovernmental organizations, the scientific and techno-
10 logical community, trade unions, the business and indus-
11 trial community, Indigenous communities, and local gov-
12 ernments.

13 (c) APPLICATIONS.—To be eligible for a grant under
14 this section, an eligible entity shall submit to the Adminis-
15 trator an application in such form, at such time, and con-
16 taining such information as the Administrator determines
17 appropriate, including the following:

18 (1) Information demonstrating that a low-in-
19 come community is included within the population
20 represented by the eligible entity.

21 (2) Information demonstrating that the eligible
22 entity either has experience with, or plans to con-
23 tract the services of an individual or entity who has
24 experience with—

1 (A) conducting risk assessments with re-
2 gard to climate change;

3 (B) hazard mitigation;

4 (C) program and project finance; and

5 (D) Federal grant applications.

6 (3) Demographic information of the population
7 represented by the eligible entity, including—

8 (A) population size;

9 (B) average household income;

10 (C) race;

11 (D) education level; and

12 (E) primary sectors of employment.

13 (4) A statement describing why the eligible en-
14 tity wants to develop a climate adaptation plan.

15 (5) Information regarding the negative effects
16 of climate change the eligible entity is, or is at risk
17 of, experiencing.

18 (6) Information regarding the strategy the eligi-
19 ble entity will use in the development of the climate
20 adaptation plan to engage stakeholders, which shall
21 include, as applicable to the eligible entity, rep-
22 resentatives of youth, farmers, nongovernmental or-
23 ganizations, the scientific and technological commu-
24 nity, trade unions, the business and industrial com-
25 munity, Indigenous communities that will be affected

1 by the climate adaptation plan of the eligible entity,
2 and neighboring jurisdictions.

3 (7) The identity of the person who will lead the
4 development of the climate adaptation plan.

5 (8) A statement regarding whether the eligible
6 entity will hire a third party to facilitate the develop-
7 ment of the climate adaptation plan.

8 (9) The expected timeline for development of
9 the climate adaptation plan.

10 (10) Actions the eligible entity plans to take to
11 ensure that environmental justice communities with-
12 in the population represented by the eligible entity
13 are informed of the process for developing the cli-
14 mate adaptation plan.

15 (d) INTEGRATION.—In developing a climate adapta-
16 tion plan using amounts awarded under this section, an
17 eligible entity shall, to the extent practicable, integrate
18 such plan with other relevant existing plans, including any
19 applicable—

20 (1) hazard mitigation plan developed pursuant
21 to section 322(a) of the Robert T. Stafford Disaster
22 Relief and Emergency Assistance Act (42 U.S.C.
23 5165(a));

24 (2) land use plan;

25 (3) economic development plan;

- 1 (4) capital improvement plan;
- 2 (5) community comprehensive plan; and
- 3 (6) emergency management plan.

4 (e) CLIMATE ADAPTATION PLAN REQUIREMENTS.—

5 An eligible entity that develops a climate adaptation plan
6 using amounts awarded under this section shall include
7 in such climate adaptation plan the following:

8 (1) An assessment of the risks posed by climate
9 change to the population represented by the eligible
10 entity, which shall take into consideration demo-
11 graphic and social factors of such population, includ-
12 ing—

13 (A) geographic distribution;

14 (B) race;

15 (C) ethnicity;

16 (D) socioeconomic status;

17 (E) health; and

18 (F) historic and ongoing systemic racism.

19 (2) An assessment of the risks posed by climate
20 change to the natural ecosystems within the jurisdic-
21 tion of the eligible entity, which shall take into con-
22 sideration factors including—

23 (A) geography; and

24 (B) species present in such ecosystems.

1 (3) An assessment of the risks posed by climate
2 change to housing, infrastructure, and public build-
3 ings within the jurisdiction of the eligible entity.

4 (4) A description of the actions the eligible enti-
5 ty plans to take to address risks identified under
6 paragraphs (1), (2), and (3), including—

7 (A) changes in land use, zoning, or build-
8 ing codes and standards; and

9 (B) restoration and protection of areas
10 within the jurisdiction of the eligible entity and
11 the development of strategies to achieve such
12 restoration and protection.

13 (f) PRIORITY.—In awarding amounts under this sec-
14 tion, the Administrator shall give priority to applications
15 from eligible entities that include an environmental justice
16 community within the population represented by the eligi-
17 ble entity.

18 (g) MATCHING REQUIREMENT.—There shall be no
19 matching requirement for amounts awarded under this
20 section.

21 (h) DEFINITIONS.—In this section:

22 (1) ADMINISTRATOR.—The term “Adminis-
23 trator” means the Administrator of the Environ-
24 mental Protection Agency.

1 (2) CLIMATE ADAPTATION PLAN.—The term
2 “climate adaptation plan” means a framework for—

3 (A) measuring, tracking, and reducing
4 greenhouse gas emissions; and

5 (B) adopting climate change adaptation
6 measures.

7 (3) ELIGIBLE ENTITY.—The term “eligible enti-
8 ty” means—

9 (A) a local government;

10 (B) an agency or instrumentality of a local
11 government;

12 (C) the governing body of a federally rec-
13 ognized Indian Tribe; or

14 (D) a federally recognized Indian Tribe or
15 authorized Tribal organization or Alaska Native
16 village or organization that is not a Tribal gov-
17 ernment or the governing body of a federally
18 recognized Indian Tribe.

19 (4) ENVIRONMENTAL JUSTICE COMMUNITY.—
20 The term “environmental justice community” means
21 a community that, as determined by the Adminis-
22 trator—

23 (A) has significant representation of—

24 (i) communities of color;

25 (ii) low-income communities; or

1 (iii) Tribal or Indigenous commu-
2 nities; and

3 (B) experiences or is at risk of experi-
4 encing greater or more frequent adverse envi-
5 ronmental or health effects as a result of cli-
6 mate change.

7 (5) LOCAL GOVERNMENT.—The term “local
8 government” means a county, municipality, city,
9 town, township, local public authority, school dis-
10 trict, special district, intrastate district, council of
11 governments (regardless of whether the council of
12 governments is incorporated as a nonprofit corpora-
13 tion under State law), or regional or interstate gov-
14 ernmental entity.

15 (6) LOW-INCOME COMMUNITY.—The term “low-
16 income community” means a census block group
17 within which 30 percent or more of the population
18 are individuals with an annual household income
19 equal to, or less than, the greater of—

20 (A) an amount equal to 80 percent of the
21 median income of the area in which the house-
22 hold is located, as reported by the Department
23 of Housing and Urban Development; and

1 (B) 200 percent of the Federal poverty
2 line.

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