

117TH CONGRESS
1ST SESSION

S. 606

To require the Board of Governors of the Federal Reserve System and the Securities and Exchange Commission to issue an annual report to Congress projecting and accounting for the economic costs directly and indirectly caused by the impacts of climate change, to require the Federal Retirement Thrift Investment Board to establish a Federal Advisory Panel on the Economics of Climate Change, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 4, 2021

Mr. MERKLEY introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require the Board of Governors of the Federal Reserve System and the Securities and Exchange Commission to issue an annual report to Congress projecting and accounting for the economic costs directly and indirectly caused by the impacts of climate change, to require the Federal Retirement Thrift Investment Board to establish a Federal Advisory Panel on the Economics of Climate Change, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Restructuring Environ-
3 mentally Sound Pensions in Order to Negate Disaster Act
4 of 2021” or the “RESPOND Act of 2021”.

5 **SEC. 2. CLIMATE CHANGE ECONOMIC COST REPORT.**

6 Not later than 1 year after the date of enactment
7 of this Act, and annually thereafter, the Board of Gov-
8 ernors of the Federal Reserve System and the Securities
9 and Exchange Commission shall jointly submit to Con-
10 gress a report that projects and accounts for the economic
11 costs directly and indirectly caused by the impacts of cli-
12 mate change, which shall include an analysis of—

13 (1) the effects that climate change has on the
14 labor market, economic growth, public health, and
15 other broad areas of the economy of the United
16 States;

17 (2) property and land damage from rising sea
18 levels and extreme weather; and

19 (3) the costs associated with natural disaster
20 relief and mitigation.

21 **SEC. 3. FEDERAL ADVISORY PANEL ON THE ECONOMICS OF**
22 **CLIMATE CHANGE.**

23 (a) **ESTABLISHMENT.**—The Federal Retirement
24 Thrift Investment Board (referred to in this section as the
25 “Board”) shall establish a panel to be known as the “Fed-

1 eral Advisory Panel on the Economics of Climate Change”
2 (referred to in this section as the “Advisory Panel”).

3 (b) MEMBERSHIP.—

4 (1) IN GENERAL.—The Advisory Panel shall
5 consist of 9 members, appointed by the Board as fol-
6 lows:

7 (A) Three members shall be chosen from
8 among persons generally recognized for their
9 impartiality, knowledge, and experience in the
10 field of labor relations and pay policy.

11 (B) Six members shall be chosen from
12 among persons with expertise in local, national,
13 or transnational financing that seeks to support
14 mitigation and adaptation actions to combat cli-
15 mate change.

16 (2) LIMITATION.—Not more than 3 members of
17 the Advisory Panel may represent a single employee
18 organization, council, federation, alliance, associa-
19 tion, or affiliation of employee organizations.

20 (3) CHAIR.—The Board shall select a member
21 of the Advisory Panel appointed under paragraph
22 (1)(A) to serve as the Chair of the Advisory Panel.

23 (4) COMPENSATION.—

24 (A) IN GENERAL.—A member of the Advi-
25 sory Panel—

1 (i) may not receive pay by reason of
2 the service of the member on the Advisory
3 Panel; and

4 (ii) shall not be considered to be an
5 employee of the Federal Government solely
6 because of the service of the member on
7 the Advisory Panel.

8 (B) EXPENSES.—Notwithstanding sub-
9 paragraph (A), a member of the Advisory Panel
10 appointed under paragraph (1)(A) may be paid
11 expenses in accordance with section 5703 of
12 title 5, United States Code.

13 (c) DUTIES.—The Advisory Panel shall—

14 (1) advise the Board on how, consistent with
15 the fiduciary duties of the Board, the Board can
16 make investments in a manner that helps ensure
17 that the United States achieves net zero greenhouse
18 gas emissions not later than 2050;

19 (2) identify possible investment opportunities in
20 clean and renewable energy and other emerging in-
21 dustries that would maximize returns;

22 (3) produce a comparative analysis comparing
23 the fiduciary efficacy and responsibility of existing
24 investment practices of the Board with the invest-
25 ment strategies described in paragraph (1); and

1 (4) advise the Board on how to identify, assess,
2 and manage the investment risks and opportunities
3 of climate change and prepare for a transition to a
4 low-carbon economy.

5 (d) EXAMINATION.—

6 (1) IN GENERAL.—In carrying out the duties of
7 the Advisory Panel under subsection (c), the Advi-
8 sory Panel shall examine the following:

9 (A) Economic and policy challenges facing
10 the fossil fuel industry over the short, medium,
11 and long term.

12 (B) Quantitative and qualitative analysis
13 and modeling of the economic impact of climate
14 change on Federal employee retirement pro-
15 grams, including diversification of investments,
16 risk tolerance, future economic and workforce
17 trends, new opportunities, expected losses, and
18 returns.

19 (C) The current state of, and outlook for,
20 clean energy, including possible investment op-
21 portunities.

22 (D) The experiences, including perform-
23 ance analyses, of other pension funds and inves-
24 tors that have undertaken concerted strategic
25 efforts to divest from fossil fuel holdings in

1 order to maximize the efficacy and stability of
2 their assets while minimizing their climate-re-
3 lated risk exposure.

4 (E) Strategic options to address climate-
5 related investment risks through further efforts
6 to divest from fossil fuel holdings, including—

7 (i) transitioning to a low-carbon or
8 carbon-free benchmark index for all public
9 equities;

10 (ii) divesting from significant fossil
11 fuel holdings that are not responsible fidu-
12 ciary investments for beneficiaries; and

13 (iii) exploring the use of organizations
14 to de-risk investments in carbon dependent
15 funds.

16 (2) REPORT.—Not later than 2 years after the
17 date of enactment of this Act, the Advisory Panel
18 shall submit to the Board a report containing the
19 findings of the Advisory Panel, including the results
20 of the examinations performed under paragraph (1).

21 (e) CONSULTATION WITH FEMA.—The Advisory
22 Panel shall, in preparing the report required under sub-
23 section (d)(2), consult with the Administrator of the Fed-
24 eral Emergency Management Agency on any matters with-
25 in the jurisdiction of that Agency.

1 (f) REVIEW OF REPORT.—

2 (1) IN GENERAL.—If the Board, after reviewing
3 the report submitted by the Advisory Panel under
4 subsection (d)(2), determines that it would be finan-
5 cially profitable, and consistent with the fiduciary
6 duties of the Board, to implement low-carbon invest-
7 ment strategies, the Board shall establish a plan to
8 transition the investment practices of the Board ac-
9 cordingly.

10 (2) REPORT TO CONGRESS.—The Board shall
11 submit to Congress, including to the Office of the
12 Law Revision Counsel of the House of Representa-
13 tives, a report regarding the determination of the
14 Board under paragraph (1), including if the Board
15 is unable to determine that it would be financially
16 profitable, and consistent with the fiduciary duties of
17 the Board, to implement low-carbon investment
18 strategies.

19 (g) TERMINATION.—Notwithstanding section 14 of
20 the Federal Advisory Committee Act (5 U.S.C. App.), the
21 Advisory Panel shall terminate upon submitting the report
22 required under subsection (d)(2).

23 (h) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated not more than
25 \$2,000,000 for the Advisory Panel to comply with the re-

1 requirements of the Federal Advisory Committee Act (5
 2 U.S.C. App.), including by ensuring that the Advisory
 3 Panel will have—

4 (1) adequate staff and quarters; and

5 (2) funds available to meet the other necessary
 6 expenses of the Advisory Panel.

7 **SEC. 4. CLIMATE CHOICE STOCK INDEX FUND.**

8 (a) IN GENERAL.—Section 8438 of title 5, United
 9 States Code, is amended—

10 (1) in subsection (a)—

11 (A) by redesignating paragraphs (4)
 12 through (10) as paragraphs (7) through (13),
 13 respectively;

14 (B) by redesignating paragraphs (1), (2),
 15 and (3) as paragraphs (2), (4), and (5), respec-
 16 tively;

17 (C) by inserting before paragraph (2), as
 18 so redesignated, the following:

19 “(1) the term ‘Climate Choice Stock Index
 20 Fund’ means the Climate Choice Stock Index Fund
 21 established under subsection (b)(1)(G);”;

22 (D) by inserting after paragraph (2), as so
 23 redesignated, the following:

24 “(3) the term ‘entity’ means any sole propri-
 25 etorship, organization, association, corporation, part-

1 nership, joint venture, limited partnership, limited li-
2 ability partnership, limited liability company, or
3 other business association, including any wholly
4 owned subsidiary, majority-owned subsidiary, par-
5 ent-country national, or affiliate of the business as-
6 sociation, that exists for the purpose of making prof-
7 it;” and

8 (E) by inserting after paragraph (5), as so
9 redesignated, the following:

10 “(6) the term ‘fossil fuel entity’ means any en-
11 tity—

12 “(A) with proven carbon reserves; or

13 “(B) that explores for, extracts, processes,
14 refines, or transmits coal, oil, gas, oil shale, or
15 tar sands;” and

16 (2) in subsection (b)—

17 (A) in paragraph (1)—

18 (i) in subparagraph (E), by striking
19 “and” at the end;

20 (ii) in subparagraph (F), by striking
21 the period at the end and inserting “;
22 and”; and

23 (iii) by adding at the end the fol-
24 lowing:

1 “(G) a Climate Choice Stock Index Fund
2 as provided in paragraph (6).”; and

3 (B) by adding at the end the following:

4 “(6)(A) The Board shall select an index which
5 is a commonly recognized index comprised of com-
6 mon stock.

7 “(B) The historical performance of the index
8 selected under subparagraph (A) shall be comparable
9 to that of the other investment funds and options
10 available under this subsection.

11 “(C) The Climate Choice Stock Index Fund
12 shall be invested in a portfolio that is designed—

13 “(i) to replicate the performance of the
14 index selected under subparagraph (A);

15 “(ii) such that, to the extent practicable,
16 the percentage of the Climate Choice Stock
17 Index Fund that is invested in each stock is the
18 same as the percentage determined by dividing
19 the aggregate market value of all shares of that
20 stock by the aggregate market value of all
21 shares of all stocks included in the index se-
22 lected under subparagraph (A); and

23 “(iii) to ensure that no investment in the
24 portfolio is an investment with respect to a fos-
25 sil fuel entity.”.

1 (b) EFFECTIVE DATE.—The amendments made by
2 subsection (a) shall take effect—

3 (1) only if the Federal Retirement Thrift In-
4 vestment Board, in the report submitted under sec-
5 tion 3(f)(2), indicates that the Board is unable to
6 determine that it would be financially profitable, and
7 consistent with the fiduciary duties of the Board, to
8 implement low-carbon investment strategies; and

9 (2) on the date on which the Board submits the
10 report described in paragraph (1).

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