

117TH CONGRESS
1ST SESSION

S. 3156

To require Federal agencies to maintain plans for responding to, mitigating, and adapting to climate change, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 3, 2021

Ms. KLOBUCHAR (for herself, Ms. SMITH, Mr. MURPHY, Mr. VAN HOLLEN, Ms. WARREN, Ms. STABENOW, and Mr. DURBIN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require Federal agencies to maintain plans for responding to, mitigating, and adapting to 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Agency Cli-
5 mate Planning, Resilience, and Enhanced Preparedness
6 Act of 2021” or the “Federal Agency Climate PREP Act
7 of 2021”.

1 **SEC. 2. CLIMATE ACTION PLANS.**

2 (a) AGENCY CLIMATE ACTION PLANS REQUIRED.—

3 Not later than 1 year after the date of enactment of this
4 Act, the head of each agency shall submit to the Director
5 an agency climate action plan.

6 (b) CONTENTS OF PLAN.—Each agency climate ac-
7 tion plan submitted pursuant to subsection (a) shall in-
8 clude the following:

9 (1) An identification and assessment of climate
10 change-related impacts on and risks to the ability of
11 the agency to accomplish its missions, operations,
12 and programs.

13 (2) A description of programs, policies, and
14 plans the agency has in place and any additional ac-
15 tion the agency plans to take to mitigate and man-
16 age the impacts and risks identified in paragraph
17 (1) and build resilience, both immediately and at
18 milestones that are 2, 5, 10, and 20 years after the
19 date of enactment of this Act.

20 (3) A description of how any climate change-re-
21 lated impact and risk identified under paragraph (1)
22 that is determined by the agency to be so significant
23 that it impairs the statutory mission or operation of
24 the agency will be addressed.

25 (4) An assessment of whether implementation
26 of any of the programs, policies, or plans of the

1 agency exacerbates climate change-related impacts
2 and risks.

3 (5) A description of how the agency will con-
4 sider the need to improve climate change adaptation
5 and resilience, including—

6 (A) an assessment that monetizes the costs
7 and benefits of such improvement, including the
8 value of climate change adaptation, resilience,
9 and mitigation; and

10 (B) with respect to agency suppliers, sup-
11 ply chains, real property investments, and cap-
12 ital equipment purchases, such as updating
13 agency policies for leasing, building upgrades,
14 relocation of existing facilities and equipment,
15 and construction of new facilities.

16 (6) In the case of the implementation of a pro-
17 gram that uses cost-benefit analyses, a description of
18 any additional methodologies used by the agency to
19 incorporate climate change risks into the cost-benefit
20 analyses, including the metrics and methodologies
21 used.

22 (7) An assessment of the efforts of the agency
23 to reverse the disproportionate impacts of climate
24 change on disadvantaged communities and vulner-
25 able populations, including—

1 (A) a description of opportunities identified
2 to reverse those impacts;

3 (B) a description of progress made in re-
4 versing those impacts; and

5 (C) a description of the methodology of the
6 agency for actively and widely soliciting and re-
7 ceiving input and feedback directly from those
8 communities and populations regarding the op-
9 portunities and progress described in subpara-
10 graphs (A) and (B).

11 (8) A description of how the agency will pro-
12 mote the preparedness and resilience of the Federal
13 workforce with respect to climate change.

14 (9) A description of how the agency will con-
15 tribute to coordinated interagency efforts to support
16 climate change mitigation, preparedness, and resil-
17 ience at all levels of government, including collabo-
18 rative work across regional offices of agencies and
19 through coordinated development of information,
20 data, and tools.

21 (c) PROGRESS REPORTS.—The head of each agency
22 shall submit to the Director an annual report on the im-
23 plementation of the agency climate action plans required
24 pursuant to subsection (a), including updated identifica-

1 tion and assessments of climate change-related impacts
2 and risks.

3 **SEC. 3. COUNCIL ON FEDERAL AGENCY CLIMATE PLAN-**
4 **NING, RESILIENCE, AND ENHANCED PRE-**
5 **PAREDNESS.**

6 (a) ESTABLISHMENT.—There is established an inter-
7 agency council, to be known as the “Council on Federal
8 Agency Climate Planning, Resilience, and Enhanced Pre-
9 paredness” or the “Council on Federal Agency PREP”
10 (referred to in this section as the “Council”).

11 (b) LEADERSHIP.—The Director shall—

12 (1) serve as the Chair of the Council; and

13 (2) be guided as Chair of the Council by a
14 steering committee (referred to in this section as the
15 “steering committee”), which shall help to determine
16 the priorities and strategic direction of the Council
17 in accordance with subsection (f), composed of—

18 (A) the National Climate Advisor estab-
19 lished under section 4(b);

20 (B) the Chair of the Council on Environ-
21 mental Quality; and

22 (C) the Director of the Office of Science
23 and Technology Policy.

24 (c) MEMBERS.—In addition to the Director and
25 members of the steering committee, the Council shall be

1 composed of the following members who are senior offi-
2 cials (Deputy Secretary or equivalent officer) from the fol-
3 lowing:

- 4 (1) The Department of State.
- 5 (2) The Department of the Treasury.
- 6 (3) The Department of Defense.
- 7 (4) The Department of Justice.
- 8 (5) The Department of the Interior.
- 9 (6) The Department of Agriculture.
- 10 (7) The Department of Commerce.
- 11 (8) The Department of Labor.
- 12 (9) The Department of Health and Human
13 Services.
- 14 (10) The Department of Housing and Urban
15 Development.
- 16 (11) The Department of Transportation.
- 17 (12) The Department of Energy.
- 18 (13) The Department of Education.
- 19 (14) The Department of Veterans Affairs.
- 20 (15) The Department of Homeland Security.
- 21 (16) The United States Agency for Inter-
22 national Development.
- 23 (17) The Corps of Engineers.
- 24 (18) The Environmental Protection Agency.
- 25 (19) The General Services Administration.

1 (20) The Millennium Challenge Corporation.

2 (21) The National Aeronautics and Space Ad-
3 ministration.

4 (22) The Small Business Administration.

5 (23) The Corporation for National and Commu-
6 nity Service.

7 (24) The Office of Personnel Management.

8 (25) The Nuclear Regulatory Commission.

9 (26) The Office of the Director of National In-
10 telligence.

11 (27) The Council of Economic Advisers.

12 (28) The National Economic Council.

13 (29) The Domestic Policy Council.

14 (30) The White House Office of Public Engage-
15 ment and Intergovernmental Affairs.

16 (31) The United States Trade Representative.

17 (32) Such other agencies or offices as the Presi-
18 dent or Director shall designate.

19 (d) ADMINISTRATION.—

20 (1) IN GENERAL.—The Office of Management
21 and Budget shall provide administrative support and
22 additional resources, as appropriate, to the Council.

23 (2) AGENCY ASSISTANCE.—Agencies shall assist
24 and provide information to the Council determined

1 to be necessary by the Chair to carry out the func-
2 tions of the Council.

3 (3) PARTICIPATION COSTS.—Each agency rep-
4 resented on the Council shall pay its own expenses
5 related to participating as members of the Council.

6 (e) COUNCIL STRUCTURE.—The Director and the
7 steering committee may establish task forces and working
8 groups within the Council as needed.

9 (f) MISSION AND FUNCTION OF THE COUNCIL.—The
10 Council, in partnership with State and local governments,
11 academic and research institutions, and the private and
12 nonprofit sectors, shall coordinate with Federal agencies
13 and offices to do the following:

14 (1) Facilitate the organization and deployment
15 of a government-wide approach to combat the cli-
16 mate crisis.

17 (2) Develop, recommend, coordinate interagency
18 efforts on, and track implementation of Federal
19 Government actions—

20 (A) to reduce climate pollution;

21 (B) to increase resilience to the impacts of
22 climate change;

23 (C) to protect public health;

24 (D) to conserve land, water, oceans, and
25 biodiversity;

1 (E) to deliver environmental justice; and

2 (F) to spur well-paying union jobs and eco-
3 nomic growth.

4 (3) Provide expertise to assist regional, State,
5 and local action—

6 (A) to reduce climate pollution;

7 (B) to increase resilience to the impacts of
8 climate change;

9 (C) to protect public health;

10 (D) to conserve land, water, oceans, and
11 biodiversity;

12 (E) to deliver environmental justice; and

13 (F) to spur well-paying union jobs and eco-
14 nomic growth.

15 (4) Integrate climate change science in policies
16 and planning, where appropriate, for agencies and
17 the private sector, including by developing and de-
18 ploying innovative, actionable, and accessible Federal
19 climate change related information, data, and tools.

20 (5) To the extent permitted by law, prioritize
21 action on climate change in policymaking, budget
22 processes, contracting and procurement, and engage-
23 ment with governments, workers, communities, and
24 the private sector.

1 (6) Such other actions as the Director may de-
2 termine necessary.

3 **SEC. 4. WHITE HOUSE OFFICE OF DOMESTIC CLIMATE POL-**
4 **ICY.**

5 (a) ESTABLISHMENT.—There is established, within
6 the Executive Office of the President, the Office of Domes-
7 tic Climate Policy (referred to in this section as the “Of-
8 fice”).

9 (b) NATIONAL CLIMATE ADVISOR.—

10 (1) IN GENERAL.—The Office shall be headed
11 by the National Climate Advisor (referred to in this
12 section as the “Advisor”), whom shall be appointed
13 by the President.

14 (2) POSITION.—The Advisor shall hold office at
15 the pleasure of the President.

16 (3) PAY AND ALLOWANCES.—The Advisor shall
17 be entitled to receive the same pay and allowances
18 as is provided for level II of the Executive Schedule
19 under section 5313 of title 5, United States Code.

20 (4) DUTIES OF THE NATIONAL CLIMATE ADVI-
21 SOR.—Subject to the authority, direction, and con-
22 trol of the President, the Advisor shall—

23 (A) coordinate the policymaking process
24 with respect to domestic climate policy issues;

1 (B) coordinate domestic climate policy ad-
 2 vice to the President;

3 (C) ensure that—

4 (i) domestic climate policy decisions
 5 and programs are consistent with the stat-
 6 ed goals of the President; and

7 (ii) those goals are being effectively
 8 pursued; and

9 (D) monitor the implementation of the do-
 10 mestic climate policy agenda of the President.

11 (5) POWERS OF THE NATIONAL CLIMATE ADVI-
 12 SOR.—The Advisor may, for the purposes of car-
 13 rying out the functions of the Advisor under this
 14 section—

15 (A) subject to the civil service and classi-
 16 fication laws—

17 (i) select, appoint, employ, and fix the
 18 compensation of such officers and employ-
 19 ees as are necessary; and

20 (ii) prescribe the duties of those offi-
 21 cers and employees;

22 (B)(i) employ experts and consultants in
 23 accordance with section 3109 of title 5, United
 24 States Code, and compensate individuals so em-
 25 ployed for each day (including travel time) at

1 rates not in excess of the maximum rate of
2 basic pay for grade GS-15, as provided in sec-
3 tion 5332 of that title; and

4 (ii) while those experts and consultants are
5 so serving away from their homes or regular
6 places of business, pay those experts and con-
7 sultants travel expenses and per diem in lieu of
8 subsistence at rates authorized by section 5703
9 of that title for individuals employed intermit-
10 tently in the Federal Government service;

11 (C) promulgate such rules and regulations
12 as may be necessary to carry out the functions,
13 powers, and duties vested in the Advisor;

14 (D) enter into and perform under such
15 contracts, leases, cooperative agreements, or
16 other transactions with Federal agencies or any
17 public or private persons or entities as may be
18 necessary in the conduct of the work of the Of-
19 fice, on such terms as the Advisor may deter-
20 mine appropriate;

21 (E) notwithstanding section 1342 of title
22 31, United States Code, accept voluntary and
23 uncompensated services;

24 (F) adopt an official seal, which shall be
25 judicially noticed; and

1 (G) provide, when authorized by law, cop-
2 ies of documents to persons at cost, except that
3 any funds so received shall be credited to, and
4 be available for use from, the account from
5 which expenditures relating to the documents
6 were made.

7 **SEC. 5. DEFINITIONS.**

8 In this Act:

9 (1) ADAPTATION.—The term “adaptation”
10 means adjustment to natural or human systems in
11 response to actual or expected climate change, in-
12 cluding both sudden-onset and slow-onset climate
13 change-related risks or events assessed through his-
14 torical data, recent climate conditions and risks, and
15 climate change projections, to minimize negative im-
16 pacts on human health and safety, equity, eco-
17 systems, and the environment.

18 (2) AGENCY.—The term “agency” has the
19 meaning given the term “Executive agency” under
20 section 105 of title 5, United States Code, but does
21 not include the Government Accountability Office.

22 (3) CLIMATE CHANGE.—The term “climate
23 change” means the long-term change in the average
24 weather patterns influencing local, regional, and
25 global climates that are primarily driven by human-

1 produced greenhouse gas emissions, and observed
2 through key indicators, including global land and
3 ocean temperature increases, rising sea levels, loss of
4 polar and mountain glacier ice, cloud and vegetation
5 cover changes, and increases in extreme weather,
6 such as hurricanes, heatwaves, wildfires, droughts,
7 floods, and precipitation.

8 (4) DIRECTOR.—The term “Director” means
9 the Director of the Office of Management and Budg-
10 et.

11 (5) DISADVANTAGED COMMUNITY.—The term
12 “disadvantaged community” means a community
13 that is harmed by environmental, economic, or socio-
14 economic injustice, including—

15 (A) a community that—

16 (i) has a high concentration of low-in-
17 come and low-wealth households, including
18 households comprised primarily of mem-
19 bers of groups that have historically expe-
20 rienced discrimination on the basis of race,
21 gender, national origin, or ethnicity (in-
22 cluding Black, Indigenous, Latino, Arab,
23 Asian, and Pacific Islander communities);
24 or

1 (ii) faces economic transition, dein-
2 dustrialization, historic underinvestment,
3 or poverty; and

4 (B) a low-income or low-wealth community
5 facing environmental injustice, including any
6 community that, as determined by the Direc-
7 tor—

8 (i) is located nearest to an existing
9 area of grave environmental pollution or
10 degradation;

11 (ii) bears a burden of negative public
12 health effects of pollution;

13 (iii) includes one or more sites of—

14 (I) a facility that is part of a pol-
15 luting industry;

16 (II) a waste dump; or

17 (III) a facility for resource ex-
18 traction;

19 (iv) experiences a high incidence of
20 climate change-related impacts and disas-
21 ters;

22 (v) has been excluded or harmed by
23 racist or discriminatory policies that have
24 resulted in economic or health disparities;

- 1 (vi) faces relocation and resettlement
 2 resulting from—
 3 (I) climate change;
 4 (II) impacts to the environment
 5 and ecosystems from climate change;
 6 or
 7 (III) impacts associated with eco-
 8 nomic inequities; or
 9 (vii) is an Indigenous community.

10 (6) IMPACT.—The term “impact” means con-
 11 sequences, both realized and expected, for natural
 12 and human systems.

13 (7) PREPAREDNESS.—The term “preparedness”
 14 means actions taken to plan, organize, equip, train,
 15 and exercise to build, apply, and sustain the capa-
 16 bilities necessary to prevent, protect against, amelio-
 17 rate the effects of, respond to, and recover from cli-
 18 mate change-related damages to life, health, prop-
 19 erty, livelihoods, ecosystems, and national security.

20 (8) RESILIENCE.—The term “resilience” means
 21 the ability to anticipate, prepare for, and adapt to
 22 changing conditions and withstand, respond to, and
 23 recover rapidly from disruptions while ensuring the
 24 sustainment of mission-critical operations.

1 (9) RISK.—The term “risk” means a potential
2 exposure to danger as a result of the impacts of cli-
3 mate change, including a potential exposure to such
4 danger that results from societal constraints that
5 shape adaptation options.

6 (10) STATE.—The term “State” means each of
7 the several States, the District of Columbia, each
8 commonwealth, territory, or possession of the United
9 States, and each federally recognized Indian Tribe.

10 (11) VULNERABLE POPULATION.—The term
11 “vulnerable population” means groups of individuals,
12 including those with underlying health conditions,
13 subject to greater climate change exposure, or ad-
14 versely impacted by social determinants of health,
15 who experience heightened sensitivity to climate-re-
16 lated health and economic impacts.

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